

## CHAPTER XIX.

### MUNICIPALITIES.

The similarity between the East and the West in the matter of village communities has been demonstrated by Sir H. S. Maine and other writers, and it might from this be supposed that "the institutions of free cities and boroughs," which Hallam calls "one of the most important and interesting steps in the progress of society" in Mediæval Europe, would have had its counterpart under some of the Native Governments of this country.

This however is not found to be the case, nor is it surprising, as the village communities had nothing in them of the principle of popular representation or local self-government. Municipal institutions in India the creation of our Government, and except in the Presidency towns date only from the passing of Act 26 of 1850. This was for this Presidency superseded by Bombay Act 6 of 1873, which, while it made an advance in some points in the principles of representation and responsibility, made the establishments of Municipalities altogether dependent on the will of Government. This Act contains the whole of the law on the subject now in force in this Presidency, though Act 24 of 1879 is chiefly brought into action with regard to Municipalities. The rules under it are therefore given in this chapter.

The orders of the Government of India on the subject of local self-government which are contained in their Resolutions Nos. <sup>17</sup>747-55 and 1521, dated respectively the 18th May and 4th Oct. 1882, may be expected to work an entire change in the constitution and powers of Municipalities, which will for the first time become truly self-governing bodies, whether for the better or for the worse remains to be seen. The important orders contained in this chapter on the subjects of taxation and loans to Municipalities are not likely to be affected by the new policy.

A Municipal Act Amendment Bill, which will, like the Local Boards Bill, greatly alter the constitution of the bodies to which it relates, is now before the Legislative Council of the Governor of Bombay.

1. **Creation of Municipalities.**—As a general rule, Government do not desire to retain Municipalities or to create new ones in places of less than from 3,000 to 4,000 inhabitants, unless they contain a considerable proportion of intelligent non-agriculturists, or are the principal towns of talukas. Government will not create City Municipalities without clear evidence that the population in general, and their representatives, the existing Municipal Commissioners, have by their intelligence and adoption of sanitary and other improvements, as evinced by the state of their city, established a claim to superior powers of self-government. It may be added that in purely agricultural villages, even if the population reach 4,000 or 5,000, a Municipality may be undesirable.—*G. R. No. 1631, June 11, 1874.*

2. **Powers of Commissioners.**—It is clearly beyond the province of a Municipality to frame rules to regulate the appointment or removal of members of its own body. The rules they are authorized to prepare and submit for sanction are those which have for their object the efficient administration of the affairs of the Municipality after that body has been appointed.

3. A Municipality has no authority to demolish any\* portion of the town walls without obtaining the previous sanction of Government. The Collector should report the matter to Government directly any such Resolution is passed by the Municipality. It is for Government alone to decide whether any town is to remain enclosed or fortified, and how the land occupied by existing ramparts or ditches is to be disposed of. The Revenue Commissioner should take care that no invasion of the rights of Government is made by any Municipality. In such case no appropriation of the land, if it should have been made, can be upheld.—*G. R. No. 634, March 3, 1871.*

4. Municipal Commissioners, who are not Government officers, and whom the Legislature has placed, in matters within their jurisdiction, in an independent position, should, as a general rule, be left like similar bodies at home, to defend the legality of their own proceedings, and not be allowed to call on Government to inquire into the merits of every individual case in which the propriety of their decisions may be arraigned.

In complicated cases where the legality of the proceedings which form the grounds of action may be open to grave doubts, a reference

may be made to Government to obtain the opinion of the Legal Remembrancer, but this cannot be necessary in trivial cases.—*G. R. No. 2612, Nov. 5, 1859.*

5. **Powers of Commissioners.**—Voting by proxy is not allowed by the Municipal Act.—*G. R. No. 2938, Sept. 25, 1875.*

6. The power and responsibility for carrying out the purposes of the Act vested in the Commissioners in City Municipalities and in the President finally in Town Municipalities includes the power to reappropriate balances.—*G. R. No. 1435, May 20, 1874.*

7. The Act does not give Government the power of prescribing what accounts, budget forms, or other internal arrangements a Municipality must adopt, but only of prescribing the form of accounts to be sent under Sec. 90\*.—*G. R. No. 2886, Oct. 8, 1874.*

#### 8. Rules under Section 14 —

It will be sufficient if one copy of the rules is forwarded to Government for record with the signatures of the Commissioners and the date of their adoption noted upon them. Town Municipalities have never, so far as Government are aware, been brought into the High Court, and should suits against them ever proceed so far, there will be no difficulty in forwarding to the High Court, as the occasion arises, a copy of the local Municipal rules with the other papers in the case.—*G. R. No. 2173, July 25, 1877.*

9. Care must be taken, in all Municipal affairs, to see that nothing is done for which authority does not clearly exist in the Act or Rules. Great attention must also be paid to the recording of all Municipal acts done by the Municipality and their officers, fully and in a business-like manner. The procedure which the Rules for the time being lay down must be strictly carried out. If it is cumbersome, the Rules can be altered, but as long as the Rules stand they must be obeyed, and executive officers must not usurp the functions of Managing Committees, or *vice versa*.—*G. R. No. 3630, Dec. 28, 1874.*

10. The High Court has ruled that the power given to Municipal Commissioners, in Sec. 6,† of the old Act of making rules cannot warrant the making of rules inconsistent with the Act, even though they may be sanctioned by the executive Government.—*H. C. Reports, Oct. 4, 1871.*

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\* See Order No. 12.

† The Judgment seems to apply equally to Sec. 14 of the present Act.

11. In all proposals for a change in the rules the precise change which it is proposed to make in the language of the existing rules should be definitively stated, and the exact shape in which the rule will appear after alteration should be formally set forth.—*G. R. No. 918, April 4, 1871.*

12. **Accounts.**—The form of accounts prescribed under Sec. 90, is given, and they are to be sent with the Administration Report.—*G. R. No. 3053, Sept. 27, 1876, and No. 1555, May 16, 1878.*

13. The examination of Municipal accounts is an important part of the duty of Collectors and Assistants, and is to be properly and punctually attended to.—*G. R. No. 4590, Dec. 2, 1872.*

Under paragraph 2 of G. of I. No. 2679, Aug. 31, 1878, Government servants may, subject to certain limitations, be allowed to receive fees for auditing accounts of Municipalities.—*G. of I. No. 209, Oct. 25, 1878.*

A Local Government may, however, sanction an addition to the pay of any officer employed under its orders for the performance of any special duty, outside the duties of his regular appointment as a charge against any Fund administered under the Local Government, including Municipal or Port Trust Funds, or Ward's estates.—*G. of I. No. 2679, Aug. 31, 1878.*

14. **Annual reports.**—All Municipalities are required to prepare and submit on April 1st a report showing the results of Municipal administration during the year.—*G. of I. with G. R. No. 1094, April 3, 1878.*

The Municipal reports of Commissioners should be sent in to Government by 15th October.—*G. R. No. 1770, June 4, 1881.*

15. Assistant Collectors are to notice in their annual reports what has been done and spent on sanitation by Municipalities.—*G. R. No. 414, Feb. 10, 1874.*

The sanctioned form for Municipal Administration Reports is given in Appendix L.

16. **Buildings.**—All buildings of any of the following descriptions, together with all their appurtenances, are exempted from the operations of section 17 of the Act :—

Government Offices, including Post offices ;  
Court Houses ;

Police Stations, and all buildings under the control of the Police, Chowries, Jails, Civil and Criminal, except chowkies constructed from Municipal funds ;

Churches ;

Hospitals and Dispensaries except dispensaries conducted from Municipal funds ;

Public Schools and other buildings under the control of the Educational Department ;

Travellers' bungalows and such *Darámsalás* as may be specially exempted ;

Forts ;

Ancient ruins of churches, forts, or other public buildings ;

Piers, jetties, &c., under the control of the Customs Department ; and

All buildings belonging to Government, as distinguished from those specified in Section 17, Act VI. of 1873, as meant for the accommodation of the local public.\*—*G. R. No. 3058, Oct. 7, and No. 3571, Nov. 29, 1875 ; No. 1464, May 10, 1876 ; and No. 1338, April 24, 1878.*

NOTE.—Special reservations have also been made of particular buildings in various places.

**17. Buildings.**—Municipal buildings are to be reserved for public purposes, and nautches, 'kirtans,' or religious ceremonies should not be held or performed in them.—*G. R. No. 2044, July 26, 1871.*

**18. Unclaimed property.**—The proceeds of unclaimed property cannot be made over to the Municipalities within whose limits it is found, but must be credited to Imperial revenue.—*G. R. No. 361, Feb. 20, 1867.*

**19. Land.**—No land or other immovable property belonging to Government is to be transferred to Municipalities except under such rules and conditions as Government may prescribe.—*G. R. No. 1894, July 13, 1871.*

Municipalities have no claim to the assignment of the land revenue assessed upon lands within their limits which, like all land revenue, is an imperial asset. The Governor General in Council is

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\* This exemption appears from the preamble of the Government Resolution to apply to buildings the property of Government, but used as dwelling houses of Government servants.

wholly opposed to the alienation of this revenue to Municipalities and no such alienation should be made hereafter."—*G. of I. No. 2128, Dec. 31, 1879.*

20. **Waste land.**—No Municipality is allowed to take rent for Government waste land within its limits unless specific permission to do so has been given by Government.—*G. R. No. 3304, Sept. 24, 1873.*

21. Under Section 17 of Bombay Act VI. of 1873 all "public spaces" are vested in the Municipality. The term does not include building sites and open pieces of land, the property of Government, but not used by or open to the public. Such can only be made over to Municipalities under the provisions of *G. R. No. 4342, July 29, 1873, (See chapter IX., order 3).*—*G. R. No. 871, March 23, 1875.*

22. The Collector, as representative of the interests of Government, has power to decide whether any plot of land alongside roads should be held to be, under the last order, Municipal or Government property, referring for the orders of Government any case which may appear doubtful.

Practically there should seldom be any doubt. In a crooked street or road of varying width, any bits of land between the houses and the roadway may be taken to be municipal property, but not detached separate sites between houses, even though from their not having been enclosed, they may have been open to the public.—*G. R. No. 2193, July 23, 1875.*

23. **Acquisition of land.**—It would be a good thing if Municipalities would purchase by private agreement land near railway stations which is in the occupation of individuals, especially where it may be in contemplation to construct roads.—*G. R. No. 4875, Dec. 2, 1865.*

24. A form is prescribed for adoption whenever land is to be taken on behalf of Municipalities under Act X. of 1870.—*G. R. No. 6707, Nov. 9, 1877.*

25. **Principles of taxation.**—The following order gives the principles which are to govern the imposition of municipal taxation, and more especially that portion of it which is levied under the name of octroi or town duties:—

"Town duties are very effective for raising money. They existed under the Native régime under the name of *choonghee*, or handful,

implying that everything that passed had to pay a small contribution, and in some parts of India they are more popular than direct taxes of any kind. If they could be confined to things consumed in the town without interfering with the transit trade, they would be only open to the objection that they fall in undue proportion upon the poor. But after a full trial of this tax in Bengal and the North-Western Provinces it was abolished in 1835, as being alike injurious to the general trade and to the towns immediately affected, and as not being capable of effectual remedy by any contrivances of bounded warehouses or drawbacks. Town duties have been lately re-established as a municipal tax in many places, and the old vice of interference with the general trade immediately re-appeared with the additional aggravation that this time the public at large were mulcted for the advantage of local interests.

"The town duties which were abolished in 1835 were levied only upon eight articles of local consumption, but there appears to be no limit to the number of articles upon which they are now exacted as a municipal tax. The tax ought to be confined to a few articles of local consumption, such as ghee, firewood, fruit, vegetables, fowls, eggs, and animals for slaughter which do not enter into the general trade of the country, and which being recognizable at first sight, do not involve the stoppage and search of other commodities.

"In all parts of India municipal taxation is largely on the increase, and there is a growing tendency to overlook, for the sake of small local improvements, the real injury that is being inflicted upon important general interests.

"It is not necessary to recapitulate here any of the standard arguments against transit duties. Such duties have long since been condemned by universally accepted maxims of policy, and the principle that town duties are a tax on the consumption of the towns for whose benefit they are levied, and that they should on no account be extended to any article belonging to the transit or general trade, ought to be jealously guarded.

"In wealthy communities, like those of Europe, it may be admitted that the balance of argument is in favour of raising municipal revenues by direct taxation only, and leaving the local trade entirely free. But in so poor a country as India it will be more commonly the best course to combine direct with indirect taxation; for by this means alone can a sufficiently broad base be secured for raising a sufficient income without undue pressure on individuals. So long as

octroi duties on grain and other articles of consumption are kept at a moderate rate they do not injuriously affect small retail transactions, with which the poorer classes are mainly concerned. That such duties are commonly far more popular in India than any direct taxation is a strong argument in their favour, and the prejudice against them, founded on the common practice of England, should not be allowed to prevent their introduction, under suitable limitations, where there is reason to think that the general feeling would be to prefer them to other forms of taxation.

"On the other hand, a municipal body can have no claim to take tolls on traffic entering its boundaries by roads or canals. Such imposts are merely a means of raising money from the commerce of the country for the benefit of the town in which they are levied. It may be quite legitimate for a municipality to levy a toll on a road or bridge constructed within its own limits and for the convenience of the town; but when the cost of the work has been recovered the road or bridge should be thrown open to the public, or the toll reduced to the minimum necessary to keep the work in proper repair."

In accordance with the above principles several orders were issued, which are summarized in the Resolution given below:—

For several years past Her Majesty's Secretary of State for India and the Government of India have, from time to time, impressed on Local Governments that town duties in Municipalities should not be allowed to degenerate into transit duties, or to operate in restraint of

\* No. 4440-47, dated 6th November 1868.

trade, or to affect injuriously imperial sources of revenue. In the Resolution\* issued by the Govern-

ment of India in 1868, the case is thus stated:—

"Such duties should be restricted to articles actually consumed in the towns, and should not be imposed upon articles of general commerce, or interfere with the natural course of transit trade. The Government of India has reason to believe that these sound principles, the truth of which has been established by the prolonged experience of those countries of Europe in which octroi duties form commonly a source of municipal revenue, have been frequently lost sight of, and that to meet the burden of an annually increasing expenditure upon police, education, or sanitary improvements, a widespread system of taxation has been introduced, injurious to interests on which the burden in a great measure falls, and standing in the way



of the proper development of the commerce of the country. It is to little purpose that the Imperial Government reduces or abolishes customs duties in the interests of trade, if municipalities are permitted to levy duties on articles of commerce passing through their limits. In all parts of India municipal taxation is largely on the increase, and there is a growing tendency to overlook, for the sake of small local improvements, the real injury that is being inflicted upon important general interests. The Government of India does not consider it necessary to recapitulate here any of the standard arguments against transit duties. Such duties have long since been condemned by universally accepted maxims of policy."

2.—The Government of India, at the same time, laid down the general principles by which the levy of octroi duties should be regulated. It was declared that town duties on articles of consumption should be so adjusted as to fall entirely on the population of the town for the benefit of which the taxation was imposed, and that a jealous guard should be kept against the extension of octroi to any article entering into the transit or general trade of the country. The articles on which, having regard to these principles, local duties might legitimately be imposed, were enumerated as follows:—

- (1) articles of food or drink for men or animals;
- (2) animals for slaughter;
- (3) articles used for fuel, for lighting or for washing;
- (4) articles used in the construction of buildings;
- (5) drugs, gums, spices, perfumes, and
- (6) tobacco.

A list was also given of commodities on which the levy of octroi duties was prohibited. It comprised—

- (1) articles liable to customs duty and imported into India by sea
- (2) salt;
- (3) opium, and
- (4) fermented or spirituous liquors manufactured in India, and drugs liable to excise or abkari duty.

This classification was devised with the object of preventing municipal duties from encroaching on imperial taxation, and of guarding against the sacrifice of important general interests (to use the words already quoted) for the sake of small local improvements. Instructions were at the same time given for the refund of duties when goods were re-exported from towns; and for providing bonded warehouses for the storage of goods in transit.

3.—In 1871,\* yielding to the strong representations made by certain Local Governments, the

\* Home Department Nos. 88-91,  
dated 6th January 1871.

Government of India allowed the following classes of commodities to

be added to the list of dutiable goods, viz.—

(1) piece-goods and other textile fabrics and manufactured articles of clothing and dress ;

(2) metals and articles of metal :

provided that the duty should not exceed one and a half per cent. *ad valorem*. In other respects, the orders of 1868 were maintained in force, and it was especially laid down that “ no municipality should be allowed to levy octroi on articles of through trade, unless it has been certified, to the satisfaction of the Local Government, that adequate arrangements have been made by means of bonded warehouses, or drawbacks or otherwise, for exempting from duty articles declared to be in transit through a town, or which the owners have no immediate intention of selling for local consumption.”

4.—The latest circular issued on the subject of town duties was the Resolution of the 28th September 1877, No. 2-96, which reiterated previous orders, and expressed a desire that Local Governments and Administrations would take early steps to alter octroi taxation in towns where such taxation transgressed against acknowledged principles. In this Resolution the orders of 1868 were thus referred to:—“ the Government of India are glad to acknowledge that for some time better arrangements were made, and that a general desire was exhibited to comply with the instructions issued, but of late years, owing either to the relaxation of vigilance on the part of Local Governments and Administrations, or to other causes, the Government of India have seen with concern that in isolated places octroi has again exceeded its proper limits, and is at the present moment in different parts of the country acting as a tax on through traffic and affecting injuriously the general trade of the country.”

The orders contained in this Resolution received the entire approval of Her Majesty's Secretary of State for India.

5.—The subject has also attracted the attention of the commercial community, and more particularly of the Bombay Chamber of Commerce. This body has on more than one occasion drawn the attention of the Governor-General in Council to cases in which the

town duties levied by Municipalities were excessive, whilst the impossibility, or at any rate the difficulty, of obtaining refunds on re-export practically had the effect of converting the town duties into transit duties. Their criticisms were fully borne out in several instances by facts elicited in a general review of octroi administration; and, as it thus became apparent that the Government of India had failed to secure the execution of the orders issued in 1868 and 1871, and re-affirmed in 1877, it was thought advisable to have resort to the more stringent expedient of legislation. With this object a Bill was introduced into the Legislative Council of the Governor-General and was circulated for the opinion of Local Governments and Administrations.

6.—The replies received from Local Governments and Administrations contain much valuable information on the subject of municipal taxation, and have been carefully considered by the Governor-General in Council. From them it appears that the question is full of difficulties; and, before proceeding further with the proposed legislation, it seems desirable that a further effort should be made to secure the objects in view by executive direction.

At the same time it should be fully understood that the Government has in no way receded from its declared policy with regard to town duties. The latest municipal reports of the several Provinces show that there are still many cases in which the orders of the Government of India have been, and continue to be, contravened, and as general instructions have failed to secure the observance of sound principles in octroi administration, it is evidently necessary to deal with errors of practice in detail.

7.—At present the only available standard of reference for testing the average consumption of the various octroi paying articles per head of the population within municipal limits is that framed some years ago by the Government of the North-Western Provinces. It has been objected that any conclusions obtained from the employment of such a test as this must be fallacious, because the estimated consumption, as deduced from applying the standard rates to the registered town population, takes no account of the average consumption of the rural population in the neighbourhood of Municipalities, who make purchases in the municipal market, and who may fairly be called upon to contribute to the cost of the municipal institutions by which they benefit; or of the fluctuating population which swells the returns of many towns on the occasion of

fairs and religious gatherings. These objections are not without force, but allowance can always be made for such exceptional circumstances, and the Governor-General in Council believes that the standard of average consumption framed by the Government

		Grain, 7 maunds, per head per annum.	of the North-
		Refined sugar, from 5 to 6 seers, per head per annum.	Western Pro-
CLASS	I.	Unrefined sugar, 15 seers, per head per annum.	vinces (which
		Ghi, from 3 to 4 seers, per head per annum.	is given in the
	III.	Oil, and oil-seeds, $4\frac{1}{2}$ seers of oil, per head per annum.	margin) is suffi-
	V.	Drugs, gums and spices, from Rs. 1 to Rs. 1-4, per head per annum.	ciently accurate
	VI.	Tobacco, 4 seers, per head per annum.	for purposes of
	VII.	Cloth, from Rs. 4 to Rs. 6, per head per annum.	general compa-
	VIII.	Metals, Rs. 1-8 to Rs. 2, per head per annum.	parison. Hereaf-
			ter, it will be
			for each Local
			Government

and Administration to compute standards suitable to the particular circumstances of the towns under its administration in which octroi is levied, and to satisfy itself that no departure is made from these standards without good and sufficient reason. After referring in detail to numerous Municipalities in different parts of India in which the principles laid down for octroi taxation have been transgressed, the Resolution goes on to say :

"From the above figures, considered as a whole, it will be abundantly evident, either that Local Governments have not yet succeeded in imposing efficient checks on all Municipalities, or that the standards selected for comparison are generally inapplicable. In the latter case, it is for the various Governments and Administrations concerned to set about the preparation of tables of average consumption, sufficiently accurate to enable them to deal confidently with transgressions against the accepted principles of octroi administration. In the meantime the statistics already furnished are at least significant enough to give grounds for full and individual enquiry in each of the instances to which attention has been drawn. After the completion of these enquiries, it will remain to decide whether, in each case, (1) further time shall be given to the offending Municipality to amend its ways; or (2) it shall be prohibited from levying octroi on a certain article or articles; or (3) it shall be required to raise its income in some other manner. If the first or the second of these courses be adopted, the system of

municipal administration in force must be thoroughly reviewed, and suitable arrangements must be made, either by means of bonded warehouses or of refunds, to confine the town duties within their proper limits as a tax on local consumption. The Governor-General in Council has no desire to render obligatory on all Municipalities the establishment and maintenance of bonded warehouses. Such warehouses are probably unsuited for petty Municipalities where there is little, if any, through trade; but there must be many large centres of trade where it will be desirable, and possibly indispensable, to establish them in such form as may be considered suitable, and within or without municipal limits at the discretion of the Local Government. If bonded warehouses should be considered unnecessary in any particular Municipality, it will be all the more important to see that a proper system is introduced for the refund of octroi on articles in transit through the town. The period within which refunds should be claimable, the minimum quantity or value of the articles exported on which refunds should be allowed, and the nature of the proof to be required that duty has been originally paid on importation, are matters of detail which can be settled according to the discretion of the Local Government. But nothing should be left undone to render the system as simple as possible, and to provide every practicable facility for the grant of refunds to *bona fide* exporters."

It has further been ordered that tolls on entering municipal limits should not be levied except for the use of any bridge, quay, wharf, lock, or other work constructed or maintained at the cost of the Municipality, and that goods, the property of Government, should be exempt from municipal taxation.—*G. of I. No. 4440, Nov. 6, 1868; No. 88, Jan. 6, 1871; No. 297, Sept. 28, 1877; and No. <sup>2</sup>101-115, Nov. 9, 1880.*

The system of direct collection of octroi duties must be introduced into all Municipalities where octroi is levied.—*G. of I. No. 297, Sept. 28, 1877.*

The system of farming out the collection of octroi duties has been condemned and its revival cannot now be permitted.—*G. R. No. 1556, June 1, 1880.*

The Government of India cannot too emphatically condemn the imposition of taxes on articles which have, by the Imperial Government, been relieved of burdens, such, for instance, as a high duty on wheat.—*G. of I. No. 297, Sept. 28, 1877.*

The intention of the orders of 1871, was to permit the levy of octroi on metals and articles of metal imported into India by sea subject to this one condition only, viz., that the rate of octroi levied should not exceed one and a half per cent. *ad valorem*.—*G. of I. No. 39, April 1, 1882.*

26. With reference to refunds and bonded warehouses Government left it to the various Municipalities to propose their own rules, the following being the chief questions to be decided :—

(a) Whether refunds should be allowed on goods that having entered municipal limits and paid municipal taxes have broken bulk or changed hands or undergone both operations.

(b) The limit of time within which if allowed, such refunds may be made.

(c) Whether or no bonded warehouses should be established.

[And on this the following orders given in Sind have been circulated as sufficiently meeting the views of the Government of India] :—

(1) Whether goods have changed hands or not, refunds must be given.

(2) Transferable receipts on goods imported which have paid octroi are to be given, and these receipts change hands with the goods, and on them a claim for refund is based. Moreover, a number of receipts are given each of a fixed minimum value, so that if only a fraction of the goods imported changes hands and is then exported, receipts to cover that value pass with the goods.

(3) As regards goods breaking bulk, refunds are similarly granted on export, but the Municipality can send a special officer to witness the opening of certain classes of packages and to make suitable notes on the receipts already given, for whose attendance a light fee is charged.

(4) With reference to (b) it is assumed that Government will be content with the latitude allowed for re-export under Act VI. of 1873, and two years has been fixed as the limit of time within which refunds must be made.

(5) With reference to bonded warehouses, there are two objections: one the unwillingness of certain traders to use them, and the other not less serious the heavy cost of their construction and maintenance. They are not therefore insisted on, but the refund rules are in every case to be submitted for approval, and made as clear as possible.—*G. R. No. 1331, April 24, 1878.*

“Refunds as low as Rs. 2 ought to be granted, and they should not be refused because goods have changed hands or broken bulk, suitable measures being taken to insure identification.”—*G. R. No. 2047, June 28, 1881.*

27. **Octroi taxation.**—Government do not direct that the levy of municipal octroi duties now paid on articles such as piece goods and metals should be discontinued. The levy of octroi on such articles remains permissible, provided that it is not allowed to become a transit duty, and that it does not exceed the prescribed  $1\frac{1}{2}$  per cent. *ad valorem* rate. What Government have directed is that no new octroi duty should hereafter be imposed on articles which being now subject to the payment of customs duties and not being liable to municipal octroi, may at some future date be exempted from custom duties.—*G. R. No. 1462, May 7, 1878.*

28. The imposition of octroi duties on articles which being liable to taxation under the Indian Tariff Act have since been exempted by the Government of India, cannot be permitted.—*G. R. No. 1168, April 10, 1878.*

29. Export duties are not to be proposed for municipal purposes when less objectionable imposts can be devised. The communities themselves should, as far as possible, support their own Municipalities, and this end can best be maintained by the imposition of import rather than export duties, since it may be assumed that export duties would generally fall on the consumer outside the town.—*G. R. No. 545, March 31, and No. 876, May 19, 1865.*

Government have no objection to an octroi tax being imposed by Municipalities on firewood imported by the Forest Department for sale.—*G. R. No. 3214, Oct. 23, 1878.*

Octroi may be levied on cocoanuts and betelnuts which are produced in India and have not paid Customs on import by sea.—*G. R. No. 3490, Oct. 18, 1882.*

30. **Tolls.**—The principles as to tolls are here more fully stated.

Municipalities are not to raise a revenue by transit duties under the name of tolls on goods conveyed in vehicles passing through their limits, but may levy *bonâ fide* tolls on vehicles or animals from outside those limits using their roads or bridges, for the purpose of maintaining their roads, in the same way as wheel tax is levied on vehicles kept inside the limits.

There is no objection under the rules of the Government of India to tolls being maintained if two points are borne in mind. First, that they should not be imposed on outside vehicles unless wheel-tax or some equivalent impost is paid by residents. Second, that a larger revenue should not be raised from tolls than is equivalent to the expenditure incurred by the Municipality on roads and similar public conveniences.—*G. R. No. 3227, Oct. 21, 1875.*

31. If it be desired to tax vehicles plying for hire, this can best be effected by a license and number clearing all tolls. It is not expedient to check the supply of such carriages by tolls on every trip, and a toll being in itself a nuisance, the less frequent the collections the better.—*G. R. No. 991, June 5, 1865.*

32. The payment of a wheel-tax should exempt carts from tolls on entering the town.—*G. R. No. 3100, Oct. 26, 1871.*

33. Government will not sanction the levy of transit duties on cotton or on any other commodity passing through the limits of a Municipality, nor an exceptional toll on carts containing any particular articles. If carts conveying cotton and similar commodities cause particular injury to the roads, an extra uniform toll should be put on each laden cart, but not on the separate articles it may contain.—*G. R. No. 298, Feb. 6, 1866 ; No. 3017, Dec. 21, 1869 ; No. 3099, Oct. 26, 1871 ; and No. 1637, May 24, 1876.*

34. If any tolls are to be levied, they should be general on all articles and beasts, and not be confined to market days.—*G. R. No. 3099, Oct. 26, 1871.*

NOTE.—For rules as to tolls generally see Chapter XVIII.

35. **Objectionable taxes.**—A tax on head loads cannot be sanctioned unless it is proved that exemption would be made use of to evade the municipal revenues.—*G. R. No. 1953, June 28, 1876.*

36. It is objectionable that the coarse kinds of grain which are the food of the lower classes should be subject to the same duty as the higher descriptions.—*G. R. No. 1284, May 29, 1869.*

37. The imposition of a tax on carts plying for hire only, and on inferior grains, while private vehicles and rice and paddy are exempted, cannot be sanctioned, as being too palpably in favour of the richer classes.—*G. R. No. 3667, Oct. 27, 1873.*

38. A tax upon coal was negatived, as it would fall on a small section of the community only, and would affect the progress of



industries which are of great benefit to the district.—*G. R. No. 2458, Oct. 12, 1870.*

39. A proposal to impose a tax on gold and silver was negatived, on the ground that it could be most easily evaded, and would afford the contractor and his subordinates full opportunity to harass and annoy the public.—*G. R. No. 1970, July 20, 1871.*

Raw silk and cotton yarn cannot be legitimately held to come under the designation of "Piece Goods and other Textile Fabrics," which clearly denote manufactured articles and not raw or unmade-up materials. The imposition, accordingly, of Municipal octroi duties upon raw silk and cotton yarn appears to be objectionable and opposed to the orders of the Government of India.—*G. R. No. 1969, June 29, 1878.*

The levy of octroi duty on spun skein silk is not allowed.—*G. of I. No. 3780, Dec. 18, 1878.*

The levy of octroi duties on country spirits imported into, and consumed in, Municipalities, may be continued during the year 1879-80 in those towns where it has heretofore been practised. But the future arrangements in respect to the Municipal revenue of these towns should be made on the hypothesis that octroi duties on exciseable articles will not be continued after the close of the year 1881-82.—*G. of I. No. 28, Feb. 6, 1879.*

40. **House tax.**—Where a house tax is levied, the power given to the Commissioners to exempt from it those upon whom its imposition may be considered a hardship should prevent the occurrence of any oppression. There should be no hesitation in exercising this power of exemption in all cases where want of adequate means is satisfactorily made out.—*G. R. No. 187, Jan. 11, 1872.*

41. **Halalcore tax.**—The only fair way of imposing a halalcore cess is to make those who enjoy the benefit pay for the service. If the mode of assessment is found inconvenient and insufficient to pay for the service, the proper remedy is to increase the charge upon the owners and occupiers of houses to which privies are attached. Care should be taken that the work of the municipal sweepers is effectively performed at the dwellings of the poor as well as at those of the rich.—*G. R. No. 598, Feb. 28, 1871, and No. 1726, June 27, 1871.*

42. **Dog tax.**—The experiment of a tax on dogs was sanctioned at Carwar, at the rate of Rs. 1½ for each license.

The cost of destroying unowned and uncared for dogs should be defrayed by Municipalities.—*G. R. No. 2761, Nov. 19, 1870, and No. 3601, Nov. 22, 1872.*

43. **License tax on sales.**—If a license fee on the sale of tobacco, betel leaves, and snuff is sanctioned, the Commissioners cannot prevent people from selling these things, but can only tax them if they do.—*G. R. No. 1403, May 4, 1876.*

44. **Changes in taxation.**—Changes in taxation can only be made in accordance with sec. 21 of the Act. When changes are proposed it should be stated that the procedure there laid down has been followed.—*G. R. No. 1752, June 12, 1875.*

45. **Restrictions on farmers.**—When Municipal revenues are farmed the farmers are to be bound down to keep and produce when required by the Commissioners detailed accounts of receipts under each head of taxation.—*G. R. No. 3672, Sept. 18, 1872.*

46. **Municipal works.**—The sanction of Government is not necessary before the commencement of works entered in Municipal Budgets.—*G. R. No. 135 of 1867.*

47. The repair of police chowkis in municipal limits is strictly a municipal charge in the interests of public safety, and Government has levied this charge from the Ahmedabad Municipality under sec. 24, cl. 1, para. 1, of the Act.—*G. R. No. 958, March 22, 1878.*

48. The contribution of 15 per cent. for establishment is levied on contributions received from Municipalities for works executed by the Public Works Department.—*G. R. No. 108A—172, March 25, 1875.*

49. The contribution of 15 per cent. is payable by Municipalities for municipal works carried out by the P. W. Department, but not on account of municipal contributions to provincial works: where works are partly municipal and partly provincial it should be ascertained to which head the liability primarily relates.—*G. R. No. 145A—216, April 16, 1875.*

50. **Water supply.**—Considering the facilities that are now afforded to Municipalities to raise money, there is no valid reason why every large town should not possess the blessing of a plentiful and wholesome water supply. It is perhaps the one object

for the attainment of which the people will readily submit to extra taxation. It is only fair and reasonable that the requisite outlay should not be a charge on revenue, and that merely a sufficient sum should be provided to defray the annual interest on the capital expended.

While anxious to urge on the attention of Municipalities the prosecution without delay of these important works, His Excellency in Council is fully alive to the risk of undertaking immature and hastily considered projects, and that the best advice and assistance may be procurable, the Chief Engineer for Irrigation should be informed that the Government regard the supply of water to towns to be a matter of equal importance with that for agricultural purposes, and be requested to attend as far as possible to any requisitions he may receive from the Collectors and Magistrates of Districts for making surveys and estimates.—*G. R. May 10, 1873.*

**51. Exemptions.**—Under Section 24 of Act III. of 1880 (The Cantonments Act, 1880), in any cantonment situated in British India which may have been, or may in future be, brought under the operation of a Municipal Act, the following classes of persons are, when on duty in such cantonment, exempted from the operation of taxes of the following kinds:—

*Persons exempted.*

All persons exclusively in military employ or belonging to any department directly attached to the Army or to the Public Works Department, Military Branch, being persons subject to the Army Discipline and Regulation Act, 1879, or the Indian Articles of War.

*Taxes from the operation of which exemption is granted.*

- (1) Municipal taxes on salaries.
- (2) Municipal taxes on professions, trades, callings, offices, or appointments.
- (3) Municipal taxes on horses, mules, or ponies kept for military duty.
- (4) Municipal tolls leviable on any ferry or road in respect of animals or vehicles kept or used for military duty.

2.—In further exercise of the power conferred by the same section, the Governor-General in Council is pleased to prohibit the levy, in any cantonment in British India, of any Municipal tax whatsoever on public property, such as animals or vehicles.

3.—In this order the expressions “Municipal Tax,” “Municipal Taxes,” and “Municipal Tolls” include any tax or toll imposed by virtue of the provisions of a Municipal Act under the operation of which any cantonment may have been, or may in future be, brought.—*G. of I. No. 163, Nov. 18, 1881.*

Under sec. 3 of Act XI. of 1881, the levy of the taxes named in para. 1 of the above order from the persons named in the same para., if compelled by the exigencies of military duty to reside within the limits of a Municipality, is prohibited.—*G. of I. No. 162, Nov. 18, 1881.*

## 52. Rules under Act XI. of 1879—Local Authorities Loan Act—

In exercise of the powers conferred by Sections 5 and 7 of the Local Authorities Loan Act, 1879, the Governor-General in Council has made the following Rules for the raising of loans by Local Authorities in the open market :—

1. These rules shall come into force on the 1st day of September 1883. On and from that date

\* Republished at pages 879 and 880 of the *Bombay Government Gazette*, dated 13th November 1879, Part I.

the rules published with Notification No. 3745,\* dated 8th November 1879, in so far as they relate to the authorisation of loans, shall

be rescinded except as regards loans authorised before these rules come into force.

2. In these Rules (1) ‘The Act’ means ‘The Local Authorities Loan Act, 1879,’; (2) ‘Local Authority’ and (3) ‘Funds’ have the meanings assigned to them respectively in the Act; (4) ‘The Local Authority’ means ‘The Local Authority applying for permission to raise or, as the case may be, raising or having raised the loan’; and (5) ‘Loan’ means ‘A Loan under the Act.’

3. A loan must be defined in rupees and not by the sterling or any other foreign standard.

4. No loan shall be raised except for the construction or repair of works of public utility within the local limits of the jurisdiction of the Local Authority, or for the benefit of the inhabitants within those limits.

5. Whenever it is desired to obtain the authorisation of the Government to the raising of a loan under Section 7 of the Act a statement shall be submitted to the Local Government showing—

**Rules under Act XI. of 1879—(contd.)**

1st, the work or works for the construction or repair of which the loan is required, and an estimate of the cost thereof :

2nd, the amount which it is proposed to borrow :

3rd, the fund or funds on the security of which it is proposed to borrow :

4th, the law or laws under which the said fund or funds is or are levied, received or held :

5th, the period for which the loan is required, the number and amount of the instalments, if any, in which it is proposed that the loan shall be taken, the dates proposed for receiving such instalments, and the instalments, if any, in which it is proposed to repay the loan :

6th, the yearly proceeds of each of the funds received or held by the Local Authority :

7th, all expenditure incurred by the Local Authority in each of the three last preceding years ;

8th, all existing prior charges upon the funds of the Local Authority.

6. The Local Government shall cause such enquiry as it thinks necessary or expedient to be made into the statements contained in the application and into the use and value of the proposed work.

7. If it appears to the Local Government that the loan ought not to be raised, it shall reject the application.

8. If it appears to the Local Government probable that the loan ought to be raised, it shall cause to be published in the local official Gazette, and otherwise, as it deems fit, within the local limits of the jurisdiction of the Local Authority, a copy of the application and such particulars in regard to any enquiry made under Rule 6 as it may think necessary.

9. After the expiry of one month from such publication, and after calling for any further information which it may require, and considering any objections which may be preferred, the Local Government may either reject the application, or refer it for the orders of the Governor-General in Council.

10. The Local Government shall make such provision as may seem to be necessary for the proper inspection of all works which are being carried out by means of a loan; and for ascertaining and securing that the loan is duly applied to the purposes for which it

is raised. Every such work, and the accounts connected therewith, shall be open at all times to the inspection of the Superintending or Executive Engineer in whose division the work is situate, and of any person who may be authorised to inspect the accounts of the Local Authority, and of any other person specially authorised by the Local Government in this behalf.

11. The cost of any enquiry made under Rule 6, of advertisements published under Rule 8, of inspections made under Rule 10, and of any other proceedings by order of the Local Government or the Governor-General in Council under these Rules, shall be determined by the Local Government, and shall be paid by the Local Authority.

12. The Local Authority shall give to the Accountant General and the Local Government any information which they may require regarding the expenditure of the loan, and regarding its funds.

13. An attachment of any funds under Section 6 of the Act shall be made by a notice to the Local Authority prohibiting the collection or management of such funds by the Local Authority, and vesting the administration thereof in such officer as the Local Government may appoint. Such notice shall be published in the local official Gazette, and otherwise, as may be directed by the Local Government, within the local limits of the Local Authority. The moneys collected or received under such attachment shall be paid to the lender, and the accounts of moneys so collected, and of the cost of collection, shall be prepared in such form as the Local Government may from time to time direct. A copy of the accounts shall be delivered to the Local Authority, and published in the local official Gazette."

"No. 2749.—In exercise of the power conferred by Section 5 of the Local Authorities Loan Act, 1879, the Governor-General in Council has made the following Rules for the grant of loans to Local Authorities by the Government:—

1. These Rules shall come into force on the 1st day of September 1883. On and from that date the rules published with Notification No. 3745,\* dated 8th November 1879, in so far as they relate to the granting of loans,

\* Republished at pages 879 and 880 of the *Bombay Government Gazette* dated 13th November 1879, Part I.

shall be rescinded except as regards loans granted before these Rules come into force.

### Rules under Act XI. of 1879—(contd.)

2. In these Rules (1) 'The Act' means 'The Local Authorities Loan Act, 1879'; (2) 'Local Authority' and (3) 'Funds' have the meanings assigned to them respectively in the Act; (4) 'The Local Authority' means 'The Local Authority applying for or, as the case may be, receiving or having received the loan'; and (5) 'Loan' means 'A Loan under the Act.'

3. A loan must be defined in rupees and not by the sterling or any other foreign standard.

4. No loan shall be granted except for the construction or repair of works of public utility within the local limits of the jurisdiction of the Local Authority, or for the benefit of the inhabitants within those limits.

5. Without the consent of the Government of India, no loan shall be granted to any District Committee for the construction of any public work, unless it be estimated that a direct net revenue will be derived therefrom equal to at least four per centum per annum on its capital cost. Provided, however, that the Local Government may make a loan, not exceeding Rs. 5,000, to a District Committee, for a work designed especially to employ labour for the purpose of relieving distress.

NOTE.—A District Committee does not include a Municipal Body.

6. An application for a loan shall state—

1st, the work, or works, for the construction or repair of which the loan is required, and an estimate of the cost thereof:

2nd, the amount which it is proposed to borrow:

3rd, the fund or funds on the security of which it is proposed to borrow:

4th, the law or laws under which the said fund or funds is or are levied, received or held:

5th, the period for which the loan is required, the number and amount of the instalments, if any, in which it is proposed that the loan shall be taken, the dates proposed for receiving such instalments, and the instalments, if any, in which it is proposed to repay the loan:

6th, the yearly proceeds of each of the funds received or held by the Local Authority:

7th, all expenditure incurred by the Local Authority in each of the three last preceding years:

8th, all existing prior charges upon the funds of the Local Authority.

7. The Local Government shall cause such enquiry as it thinks necessary or expedient to be made into the statements contained in the application and into the use and value of the proposed work.

8. If it appears to the Local Government that the loan ought not to be granted, it shall reject the application.

9. If it appears to the Local Government probable that the loan ought to be granted, it shall cause to be published in the local official Gazette, and otherwise, as it deems fit, within the local limits of the jurisdiction of the Local Authority, a copy of the application and such particulars in regard to any enquiry made under Rule 7, as it may think necessary.

10. After the expiry of one month from such publication, and after calling for any further information which it may require, and considering any objections which may be preferred the Local Government may either reject the application, or, subject to the provisions of Rule 11, grant the loan, or refer the application for the orders of the Governor-General in Council.

11. (a) Save as provided in Clause (b) of this rule, the Local Government may make a loan from any sums which the Governor-General in Council allots for the purpose.

(b) If the loan exceeds Rs. 5,000, the previous sanction of the Governor-General in Council is necessary.

12. The Local Government shall make such provision as may seem to be necessary for the proper inspection of all works which are being carried out by means of a loan, and for ascertaining and securing that the loan is duly applied to the purposes for which it is made. Every such work, and the accounts connected therewith, shall be open at all times to the inspection of the Superintending or Executive Engineer in whose Division the work is situate, and of any person who may be authorised to inspect the accounts of the Local Authority, and of any other person specially authorised by the Local Government in this behalf.

13. If the Local Government considers that the conditions on which a loan was granted have not been fulfilled, or that the Local Authority has failed to comply with any of the requirements of these Rules, it may, at any time, order that no further payments shall be made on account of such loan, and recover the amount



**Rules under Act XI. of 1879—(contd.)**

advanced, with interest thereon, in the manner prescribed by Section 6 of the Act.

14. Interest shall be charged half-yearly on each loan at the rate agreed upon; and shall be reckoned and paid on each instalment from the date on which it is received.

15. The Local Authority may, at any time with the previous consent of the Local Government, repay the whole or any part of a loan made from the Public Treasury in advance of the periods fixed by the conditions of the loan.

16. The cost of any enquiry made under Rule 7, of advertisements published under Rule 9, of inspections made under Rule 12, and of any other proceedings by order of the Local Government or the Governor-General in Council under these Rules, shall be determined by the Local Government, and shall be paid by the Local Authority.

17. (a) The accounts of every loan shall be kept by the Accountant General of the Province in which it is made.

(b) The Local Authority shall give to the Accountant General and the Local Government any information which they may require regarding the expenditure of the loan and regarding its funds.

18. An annual statement of all loans granted under the Act, repayments due and made during the year, and balances outstanding at the beginning and end of the year in each Province, or under each Local Government, shall be prepared by the Accountant General and submitted to the Government of India through the Local Government, which shall add a report of the progress of the works. Such statement shall be published in the local official Gazette.

19. An attachment of any funds under Section 6 of the Act shall be made by a notice to the Local Authority prohibiting the collection or management of such funds by the Local Authority, and vesting the administration thereof in such officer as the Local Government may appoint. Such notice shall be published in the local official Gazette, and otherwise, as may be directed by the Local Government, within the local limits of the Local Authority. The moneys collected or received under such attachment shall be paid into the Government Treasury; and the accounts of moneys so collected, and of the cost of the collection, shall be prepared in

such form as the Local Government may from time to time direct. A copy of the accounts shall be delivered to the Local Authority, and published in the local official Gazette.—*G. of I. No. 2748, Aug. 7, 1883; B. G. No. 3091, 22nd idem.*

53. In making applications for loans to Municipalities under Act 24 of 1871 (Xl. of 1879), the reports of the officers of the P. W. Department on the schemes must be forwarded.—*G. of I. No. 12, Feb. 17, 1876.*

54. **Contributions from Local Funds.**—The fact of a town having a Municipality, should not absolutely deprive it of a claim to expenditure from Local Funds, if the town *also* contributes to Local Funds: there should be no distinction between villages and towns in this respect: a large town probably contributes more to Local Funds than a small village.—*G. R. No. 34A—49, Feb. 5, 1878.*

55. **Rewards to Municipal Servants.**—No Municipality shall vote a reward to any servant employed by them except with the previous sanction of the Divisional Commissioner, and in cases where the proposed gratuity exceeds one year's pay of the officer whom it is proposed to reward, the consent of the Local Government shall be previously obtained.—*G. R. No. 389, Feb. 7, 1877.*

56. **Penalties.**—A person is not liable to a penalty for non-payment of Municipal rates, though the rates are recoverable as a penalty.—*High Court Ruling, Sept. 11, 1873.*

NOTE.—This ruling apparently applies to rates, &c., under the present Act: see Sec. 84.

57. Penalties for unpunctual payment of rates, cesses, &c., cannot be legally enforced, and will therefore not be sanctioned.—*G. R. No. 758, March 12, 1875.*

58. **Deceased Paupers.**—All legitimate expenses incurred by a Municipality in disposing of the bodies of paupers dying within its limits should be repaid to the Municipality by Government.—*G. R. No. 1675, May 8, 1882.*

59. **Birth and Death Registration.**—The Bombay Municipal Act provides for reports of births and deaths being made compulsory, but it does not appear that the provision has been

strictly enforced. It has also been ordered that bye-laws should be made by all mofussil municipalities to the same effect. His Excellency in Council trusts that an effort will now be made to carry out the law. The system of paying midwives and others small gratuities for reporting births must be abolished, as also the system of sending municipal officers to obtain information. Unless the people see that the responsibility of reporting births and deaths rests upon them, the law and bye-laws will inevitably remain a dead letter. It should be generally made known that an occupant of the house or a member of the family in which a birth or death occurs is bound to report the occurrence at the Municipal Office or other place appointed for the purpose, places being appointed in the larger towns with the view of putting the people to as little inconvenience as possible, and prosecutions should be instituted in case of any neglect to comply with the law being discovered. Government have no doubt that this course will eventually bring about more correct registration at a small cost, and although prosecutions may be unpalatable, the necessity for them will rapidly diminish.—*G. R. No. 1297, April 2, 1882.*

All Municipal Executive officers appointed for the time being as such under the provisions of the Bombay Municipal Acts of 1872 and 1878 and the Bombay District Municipal Act of 1873, in receipt of a salary not less than Rs. 10 per mensem and being on the permanent establishment, are invested with powers under Section 37 of the Bombay Abkari Act, 1878, in addition to the powers and duties incident to their respective principal offices.—*G. Not. No. 6700, Sept. 27, 1882.*

## CHAPTER XX.

## SANITARY MATTERS.

*"In the time of Asoka we are told that a devotee suffered dreadfully from a thorn in his foot, and that Asoka hearing of this reflected that a timely application of a palmful of butter might have saved a dangerous ulcer, and decreed that in future medicines should be dispensed at the four gates of Patna. Whether this was or was not the commencement of medical practice in Viharas need not be decided, but it is at any rate well ascertained that Buddhist devotees early studied the art of healing, and that the chief merit of the still existing Viharas or Lama Serais in Thibet is their knowledge of herbs, drugs, and surgery."*—Life in Ancient India.

A separate Vaccination Department had existed in this Presidency for many years, and a Sanitary Commission (consisting latterly of a single Commissioner) for a shorter period. The Vaccination Department was in 1875 put under the Sanitary Commissioner, and the duties of the officers of the department much increased. Part of the expenses of this department fall on Provincial Funds and part on Local and Municipal Funds. Vaccination is nowhere compulsory except by a recent law in the island of Bombay.

The establishment of dispensaries all over the country has progressed very rapidly of late years. These are sometimes built or partly endowed by charitable persons, but almost always maintained by Local or Municipal Funds with a grant-in-aid from Provincial Funds.

It has been thought better in this chapter to bring together all the matters relating to the public health with which Revenue officers have to do, besides those about Vaccination and Dispensaries. All matters connected with the public health now receive much more attention than formerly, and all of them are to a greater or less extent under the district Revenue officers.

**1. Duties of Sanitary Commissioner.**—(1) In matters relating to the public health, the Sanitary Commissioner is the adviser of Government, and, as such, will exercise a constant oversight upon the sanitary condition of the people, European and Native, and the districts generally.

(2) He is charged with the duty of recording the mortality from various causes, and as the details which make up the sanitary requirements of a district are important factors in connection with the death-rate of the area, he should receive early intimation from local authorities of everything which, for good or ill, can affect that death-rate.

(3) He will report and advise upon the prevention and mitigation of epidemics, and upon the causes, prevalence, and prevention of the more ordinary diseases.

(4) He will exercise a general supervision in sanitary matters and sanitary improvements generally, as well in cantonments as in towns and villages, and to enable him to do this, he should be informed upon such matters as are engaging the attention of local authorities, and of such schemes as are contemplated.

(5) He should be informed of all projects for water-supply of populous towns and camps from all sources, whether for irrigation or for general purposes, and whether undertaken by Government or by others acting independently of, or under Government.

(6) He should be informed of all drainage schemes, whether for extended areas or for municipalities, towns, and cantonments.

(7) All plans of military buildings for the accommodation of troops, hospitals, lunatic asylums, jails, churches, and other public buildings of importance, for which approved standard plans do not exist, should be referred for his opinion as regards site, aspect, water-supply, drainage, ventilation, and general design.

(8) He will advise on all sites for stations, permanent or temporary, for barracks, hospitals, and their out-buildings, for bazaars and their accessories, for offensive trades, places for the disposal of the dead in or near civil stations or cantonments, slaughter-yards, latrines, lay stalls, sewage farms, and such like, and pilgrim encampments.

(9) As regards conservancy he will advise upon the general arrangements for the collection and disposal of surface refuse and house sillage.

(10) He should receive copies of all committee proceedings and all reports on sanitary matters *before* action upon them be taken, and should see projects and plans relative to such matters *before* work is commenced.

(11) Government relies upon the different departments and officers, seeing that the instructions contained in these orders are

fully understood by all concerned, and trusts that henceforth they will be acted up to so as best to give effect to them.

(12) It is very desirable that Municipalities and Cantonment Committees should, in communication with the Sanitary Commissioner and under such engineering advice as is obtainable, draw up a comprehensive scheme of general sanitary improvements to be carried out as funds permit, and not to be departed from when once fixed upon, except for very valid reasons.

(13) Whenever the Sanitary Commissioner inspects a municipal town or a cantonment, he should draw up a brief report, pointing out in detail all sanitary defects in drainage, water-supply, conservancy, &c. He should indicate the danger peculiar to locality and position, and state what improvements are most urgently required, and how they may best be carried out.

(14) The Chairman or the President should submit this report to the Municipality or Cantonment Committee, and should indicate such works as are most urgently required, and for the execution of which funds are available or can be provided.

(15) The Municipal Commissioners or the Cantonment Committee might then after discussion adopt such resolutions on the proposals as to them seem best. Copies of these resolutions should be sent to the Sanitary Commissioner for submission to Government, together with a copy of his own report, and such remarks on the resolutions as may suggest themselves.

(16) At the end of each year all Medical Officers who are members of Municipalities or Cantonment Committees should include in their annual reports a detailed account showing the extent to which all proposals have been adopted, and abstracts of these reports should appear in the report of the Sanitary Commissioner. Whenever the Sanitary Commissioner is able he should report how far his suggestions have been adopted, and upon the character of the work done.—*G. R. No. 2617, Aug. 23, 1876.*

**2. Duties of Subordinate Sanitary Officers.—**(1) The Deputy Sanitary Commissioners are the Superintendents of Vaccination and the Health Officers of their respective districts.

(2) When on tour they will take every opportunity of inspecting Birth and Death registers, and of giving such advice as may be necessary with regard to them.

(3) They will advise generally on local sanitary matters, more especially with regard to surface conservancy, ordinary surface and

subsoil drainage, and the conservation of tanks, wells, and other sources of water supply.

(4) As regards epidemics they will advise general precautionary measures, and try to find out their distinguishing characteristics, their causes, and their course.

(5) In all that relates to their duty as Health Officers they will communicate with local authorities as well as with the head of their department.

(6) The Inspectors and Vaccinators will also inspect the registers and report to their departmental superiors as to how they are kept, and will advise Patels and others as to ordinary village cleanliness, will look at wells, tanks, &c., and report generally what attention is paid to simple matters of conservancy.

(7) Neither the Deputy Commissioners nor their subordinates are to do more than advise, and they will confine their advice (the latter especially) to such simple matters as are within the reach of the people, or which involve no outlay beyond the means of those advised.

(8) The Birth and Death Registers will be kept by the present agency (Kulkarnis and others), but all entries are to be made in register books, which will be prepared under the orders of Government, and no change is to be made in them without the sanction of Government.

(9) The Sanitary Commissioner should draw up such general rules or directions relating to the matters above referred to, as will enable the Deputy Commissioners to familiarize themselves with the kind of work expected of them, and also afford them the means of instructing their subordinates, the more intelligent of whom may be expected to become useful assistants in sanitary work.

(10) The Sanitary Officers will have no power to issue any orders. When action has to be taken, that action will be the duty of the Collectors and their Assistants.

(11) Superintendents of Vaccination and Sanitary Officers also inspect all Mofussil Dispensaries, and report upon them to the Deputy Surgeon General of the Division.—*G. R. No. 664, March 4, and No. 3750, Dec. 16, 1875, and No. 3289, Oct. 23, 1876.\**

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\* It is now ruled that Dispensaries in the Mofussil should be visited at least twice a year by the Civil Surgeon when the visit involves an absence from the Head Quarters of not more than three days, and other Dispensaries should be visited by the Deputy Sanitary Commissioner.—*G. R. No. 214, Jan. 22, 1883.*

### 3. General Sanitation.

*Suggestions for general guidance in matters relating to  
Village conservancy and the Public Health.*

1.—When a site has been carefully selected, and a new village is about to be laid out, its main streets should all run with the prevailing wind, and both main and cross streets should be as wide as possible. No lane even should be less than 10 feet broad.

2.—Each street should have its road-way proper, and on either side a foot-path, 10 feet broad, with channels for rain-fall. The road-way should always be wide enough to let two carts pass each other without touching the foot-paths.

3.—The breadth from the house plinth on one side to that on the other will be the breadth of the public street, and on this space no encroachments should be permitted. It is the common property of the village, and from end to end one unbroken line should be maintained.

4.—Tree-planting at measured intervals should be encouraged along the outer line of the foot-paths and on public reserved sites, and here the advice of the Forest Department should be obtained. In planting along lines of road, or in very wide streets or squares, an excellent plan is that sometimes adopted. Instead of having a single row on either side, a double row is planted down the centre, and the meeting branches form a shaded avenue for pedestrians. Breaks at convenient lengths serve for crossing from one side to the other.

5.—In addition to the public streets public sites will be required for markets, for wells and tanks, for schools and places of worship, for recreation, for cattle to be picketted, for cart-stands, and for all such objects as are common to the community generally.

6. Should any householder wish to project a covering over the foot-path in front of his house it should be 7 feet clear above the foot-path.



7. It is very seldom that a new village is laid out, but when the occasion does happen, it will be as

Avoid the errors so prominent in the older villages. well to avoid that want of alignment, and those errors of construction, which, in the older villages, are such impediments to street and other improvements.

8. As regards houses, the simplest and commonest form is that

Houses.

which has but one room, but whatever the description (whether large or small) and whatever the materials there are certain general principles which hold good in all cases.

9. There should always be a plinth, and it should be at least 1 foot above the ground level.

Plinths.

It may be of any breadth, and covered in or enclosed.

10. For a detached single-room house, standing in its own enclosure, there should be a front and a

Doors and windows.

back door, and a window in each side-wall, as well, for convenience as to ensure the passage of air not only *into* the house but *through* it.

11. As houses and rooms will be much what the owners' means

can make them, it would be Height of walls, doors, and windows. useless to exact that they be gauged by a fixed standard. In

a general way it can be said what ought not to be allowed, but in the matter of measurements it is perhaps better to give a minimum, and let it be exceeded according to individual means. For rooms of the better class the walls should be 9 feet high, never less than 7. In the former case the doors should be 7 feet by  $3\frac{1}{2}$ , and in the latter 6 feet by 3. The walls of common wattle and daub huts should be 6 feet high, and the doors 5 feet by 3. No door should be under 5 feet.

12. For every inhabited room there should be at least one

At least one window should open to external air. window opening to the external air, and in size this window should never be less than one-sixteenth

of the floorspace. A convenient size is 18 inches square, and there should be one or more of these according to the size of the room.

13. In some part of every wall there should be openings of some sort, either common earthen cylinders, or brick open work. Permanent ventilation for rooms. It matters little how these openings are made so long as they exist, and there is no wall so slight, or so rough, in which they may not be made. They should be independent of doors and windows and high up, more especially so in gable ends.

14. For the roof there must be special ventilation to provide for the escape of foul air and smoke. With a flat roof, as in Sind, there may perhaps be a door to give access to it, but whether or not, there can easily be made a small ventilating shaft about 1 foot square, and barred at the top. If this be impracticable, some of the common earthen cylinders should be built into the wall as high up as possible.

15. Ridge-roofs should have in them, in proportion to their size, one or more overlapping flap openings at least 3 feet square, with a rise of 6 inches. They can be made alike in tiled and thatched roofs, and where there is only one, it should be on the side from which the wind seldom blows.

16. In a square or pyramid roof, where the rafters meet at a common centre, there may still be the flap-opening, or a square ventilating shaft 1 foot square at the apex. The construction of this shaft is so simple as to be within the capacity of any ordinary village carpenter.

17. An enclosed verandah should have a door, or a window, or brick open work, and no verandah should be less than 5 feet high.

18. When houses are detached, the inter-spaces should be at least 10 feet. It is assumed that in villages space is not the object as it is in towns.

19. No shop-front should project beyond the line of houseplinth.

20. Bathing places should, if possible, be detached from ordinary village houses. They should always be raised above the ground level, and the waste-water should be led away from them by a *straight*

cut. If this cut be puddled with clay, or lined with tiles, and inud-plastered, it will form a fairly serviceable surface drain. In most cases the waste-water may be utilized in a small bit of garden or for a few plants, or for a single tree.

21. In the same way the waste-water from cooking places may also be utilized, and the people should remember that, for the greater part of the year, they may with their waste-water, and without much trouble or expense, grow a welcome addition to their ordinary food-supply. Whenever and wherever waste-water is poured out over ground the earth should always be turned up or raked over it, and if thus treated, there is neither risk nor nuisance. If the earth be turned up over it every time it is poured out the same piece of ground may be used over and over again for an indefinite period.

22. All refuse of every sort should be removed from the house and its premises at least once in every 24 hours. It may be taken to some place or receptacle near at hand where the collective refuse of many houses is deposited for subsequent removal to some other place duly assigned outside the village and to leeward, or failing this, it may at once be taken outside. What should be done with it. The object is to remove it from the house and its premises at least once every day, and if this be done, the time and manner of removal may be left to suit the convenience of the house-holder.

23. For every village there must be certain assigned places at which all refuse shall be deposited. These places must be outside the village, and to leeward, as regards the prevailing wind, and on no account must they be near any source of water-supply. It might perhaps be arranged that here each house-owner may have his own small plot where his own refuse-heap might remain until it was wanted for his fields. Mixed with earth it would be a valuable manure, and the cultivator would very soon learn to appreciate its value. If the refuse increases in bulk too rapidly it may always be reduced by burning.

24. Villagers should remember that the refuse and the filth, which now lie uncollected, would Valuable as manure. have a money value, if collected and if carried to the village lands, and there utilized, would restore to them that richness which they have lost by constant cropping. There is no description of ordinary refuse, or filth, which may not be turned to account on land, and the prudent ryots will be those who collect it from the village generally. This they can do by offering their fields as places of deposit, and by letting their carts stand at certain hours in certain places, so that all may bring to them such daily refuse as they cannot otherwise dispose of.

25. As regards house privies, there are two rules which should everywhere be rigidly enforced. House privies. None should be allowed unless there are those in or near the village to attend to them, and where they are allowed, there should always be some sort of receptacle under the seat.

26. An excellent form of privy was introduced by Mr. Arthur Crawford when Collector of Kolá-ba, and it is a very good one, provided there are sweepers in attendance, and provided, also, that the deposit be removed at least once in every 24 hours. There is neither brick nor mortar to become excrement sodden and offensive. Being constructed of wooden uprights, and bamboo or other battens, the wind blows freely through it, and there can be no fouling of the ground under the seat, for a metal shoot delivers the deposit and the ablution water into a metal bucket. If it be more convenient a sort of eaves gutter might run along the back of all the seats, and deliver into a receptacle at one end. This would do away with separate buckets, but then the one receptacle would be heavier. If it be urged that metal shoots and metal buckets are not within the reach of ordinary villagers, it may be said, in reply, that, unless a man can afford to build a properly constructed privy and to undertake that it shall be attended to, he should not be allowed to have one.

27. But with all its advantages this privy is complained of. The people say, and not unreasonably, that there is a want of privacy. A man arrives and has to pass three or four compartments

before he comes to a vacant one, and in those occupied the men are fully exposed. Although this is

Privacy secured.

a minor matter, it is one that demands attention, and fortunately the want can be supplied. A fixed screen would secure the desired privacy, and in addition there would be the general trellis work screen running along the entire front. The deposit in the buckets

Excreta should be covered at once.

should be covered with a light coating of earth just to kill the smell until such time as the buckets are themselves emptied.

28. Another simple and serviceable form of privy was constructed by Colonel Goodfellow, R.E., V.C., for the High School at Kárwár, and is highly spoken of. It can be made of rough wood, earth, stone foot rests, and iron pans—so it is within the reach of all—and in place of stone or brick screen walls, common trellis work will serve the purpose. The walls and partitions can also be made of bamboo battens, and screens can be placed in front of the several compartments. The iron pans may be half filled with earth. One advantage of this privy is that if it gets foul the whole of the earth in which the pans slide can be removed, and the ramp can then be re-formed with fresh earth.

29. Where there are privies, and sweepers to attend to them, the deposit should be removed at least once a day to an assigned place, and there it may be treated in different ways. It may be buried

Should be removed at least once every day to a common manure-yard.

in a trench about 3 feet deep, and covered with earth, but if this be done the probability is that it will remain in the trench, and be lost to the land. A preferable plan is to make a bed of earth and ashes on to which the deposit may be emptied, and covered in its turn with more earth and ashes. The several layers could then be

Should there be mixed with earth or sifted ashes, or both.

thoroughly mixed together, as is done in some places, and the result would be an innocuous,

inoffensive mass of the richest manure. In Gujarát, where there are sweepers, this plan offers no difficulties beyond those of supervision. In the Deccan and the Konkan although the Mahárs object to touch ordure they will remove refuse of which ordure forms a larger or smaller portion, so here again the difficulties are not insuperable. In Sind such is the dryness of the atmosphere,

and so great is the desiccating power of the sun, that there ought to be no difficulty. The sites should always be enclosed so as to exclude animals.

30. When from any cause trenches cannot be provided, the villagers must then, having due regard to decency, resort to the most convenient place outside the village, to leeward, and away from any source of water-supply.

31. Plots of untrenched ground might be enclosed for general resort, and the village Mahárs, or sweepers, where there are sweepers, might cover the excreta with earth, and sweep everything up into one common heap. Urine, too, might also be utilized. Instead of being wasted here, there, and everywhere, let it be passed into any

Where no latrines of any sort can be provided.

Enclosed plots may be used. Urine should also be mixed with earth and stored for use on fields. sort of earthen vessels half full of earth or ashes, and, after micturition, let a handful of earth or ashes be thrown in. When the vessel is full let it be taken to the common manure-yard, and there emptied. In this way every household might make a valuable addition to its manure-heap, and those without fields could sell their compost to those who have them. In China and Japan no refuse is wasted. The sweepings and excreta are all collected and used on the village lands, and the cost of collection is more than repaid by richer and heavier crops.

32. Every possible means must be taken to prevent the fouling of any place within the village, and no places outside should be used other than those specially assigned.

Fouling of streets, lanes, &c., to be prevented by every possible means.

33. For the sick and infirm, and for children too young to be trusted out of sight, there should be provided any sort of common earthen vessel, half full of earth or ashes, with which the deposit should at once be covered. At least once every day the vessel should be emptied at the common manure-yard, and refilled with earth or ashes.

34. When the water-supply of a village is obtained from running water it should be drawn at a point up stream and above the village. All fords and ferries, all bathing and clothes-washing, all

Water-supply.

cattle watering and washing, and all trade and other operations for which water is wanted, should be at a point down stream and below that at which the supply is drawn for drinking and ordinary house use. The purity of running water must be strictly preserved, for it runs to other villages, and is their source of supply.

35. When a tank is about to be made, there should be made in  
 Tanks. or alongside of it one filtering  
 well for the higher castes, and  
 one for the lower. As long as caste prejudices obtain, so long will it be necessary to have more than one of these wells. Their construction is very generally understood, and one of the best is that in the Gowala Tank at Bombay. There are few existing tanks in which during the dry season these wells might not be made, but where it is impracticable, or impossible, the supply for drinking and ordinary house use should be drawn at one particular spot, and every operation which tends to foul the water should be conducted as far from this spot as possible. No cattle should be watered or washed in a tank, if it can possibly be avoided.

36. For every tank there should be a boat, or raft of some sort,  
 Boat or raft necessary. no matter how rude, as well to  
 guard against accidents as to  
 remove floating impurities and dead and decaying vegetation. There should also be 2 or 3 bamboo or other floats which could be thrown to persons falling in accidentally or otherwise.

37. As regards wells, neither trouble nor expense should be  
 Wells. spared to preserve them from all  
 possible sources of impurity, and  
 to this end nothing should be permitted at or near them which might contaminate them. The parapet wall should be high enough to exclude surface impurities and to guard against accidents. The supply should be raised by iron-chains and buckets. No sonkage of any sort for trade or other purposes should be allowed, and bathing and clothes-washing should be so conducted that the water used shall not re-enter the well. Floating impurities and dead and decaying vegetation should be taken out as soon as possible, and sedimentary deposits should be removed periodically.

38. When cattle are watered from wells they should not be  
 Cattle troughs. watered *at* them. The trough  
 should be at least 50 feet distant,  
 and, if possible, at a lower level. The rudest aqueduct will suffice.

The object is to avoid that mixture of mud, urine, droppings, and dirty water which may be seen round most wells.

39. For *every* well there should be a pavement sloping to a catch-water channel. This channel should be straight where it leaves the well, and if extended some 40 or 50 feet there might soon be

formed a grove of trees. The distance should always be such that falling leaves could not enter the well, and roots would not dislodge the masonry. Where space is no object, and with a view to preserve the purity of the water, no operation whatever should be permitted within 100 feet of the parapet wall, and, if possible, wells should be covered in.

40. To guard against accidents, there should be laid across every open well a piece of timber, a cocoanut tree or other trunk, and from this a knotted rope should drop into the water, and it should be so fastened round the trunk that it may traverse it freely from one side of the well to the other. For large wells there should be in addition one or two floats.

41. In making wells from public monies the wants of the lower castes should not be overlooked.

42. Trees in and near villages should have their lower branches cut to a height of from 6 to 12 feet, and hedges should be cut and trimmed annually, and so trimmed that the wind may blow through them at the ground level. They should never be made receptacles for refuse. No rank grass, weeds, or undergrowth, should be allowed to grow near houses.

43. No cattle or sheep should be slaughtered for food except at an assigned place outside the village and to leeward, and all refuse from the slaughtering should be carefully buried. Neither hides nor skins should be prepared except at a place similarly assigned.

44. No cattle should be kept under inhabited rooms, and the practice of keeping them in any part of the house should be discouraged. They can be kept on the ground attached to the



house, and in this case there should be some sort of open shed

Urine of the cattle should be mixed with earth, and used as manure.

under which the animals should be tied up. The floor of the shed should be above the ground level, and should have just sufficient

slope to carry off water. In rear of the animals there should be a channel to carry off the urine, and if this urine be mixed with earth it will form a valuable manure. The cow-dung will probably be used as fuel, but the dirty litter should be swept out daily, and the floor should be kept even and clean.

45. Neither brick-making nor burning should be allowed except

Brick-making.

at a place specially assigned, nor should clay for brick-making be

excavated within the village. Should there be any old excavations they should be filled in with clean earth.

46. Cremation should be conducted to leeward of the village,

Cremation.

and away from all sources of water-supply. It should be carried out very thoroughly.

47. Burial-grounds should also be to leeward, and away from

Burial.

any source of water-supply, and the graves should be at least 4 feet deep.

48. When in any village there is an unusual amount of sickness

Unusual amount of sickness should be reported.

a report of it should at once be sent to the Mámílatdár who should take such action as may be neces-

sary, and the Patel or headman of every village should be furnished with such simple medicines as are entrusted to the police and others to be administered. At such times extra care should be taken with regard to food and water, and personal and general cleanliness, and clothing.

49. Should cholera prevail, application for relief should be made

Cholera.

upon the first appearance of diarrhoea, no matter how slight.

It cannot be too often and too carefully impressed upon the people, that *during cholera the danger is not so much from direct contagion as in the emanations from decomposing cholera excreta*, so before

\* Special danger to be avoided.

decomposition can set in all discharges from persons attacked by

cholera should at once be covered with earth, carried to a specially assigned place, and there carefully buried. If each fresh discharge be not removed as soon as passed it should always be covered with earth, and at once too. Bedding and clothes soiled by cholera discharges should be burnt.

50. Huts in which cholera has appeared should at once be emptied of their inmates and of everything removable. The roofs should be stripped off and the doors removed. The windows should be opened and kept open, and the floors should be dug up and plentifully sprinkled with lime. If the walls are simply mud-plastered the coating should be removed and renewed. Every part of the house and its furniture, such as it is, should be freely exposed to sunlight and air. In houses of the better class these measures would be inadmissible, except as regards the removal of everything that can be removed, and its free exposure. The doors and windows should be opened and kept open, and the particular room should be thoroughly cleaned, and its walls washed with hot lime and water.

51. It is the duty of parents to secure their children against small-pox by having them vaccinated, and, on no account should this duty be neglected. Every year there are thousands of deaths from small-pox, and in almost every instance it carries off those who have not been vaccinated. When the Government Vaccinator comes to a village all children of 3 months old and upwards should be taken to him to be examined and vaccinated, and his instructions should be implicitly followed.

52. Bodies of persons dying of epidemics, as of cholera, small-pox, &c., should be disposed of as soon as the signs of death are unmistakable.

Bodies of persons dying from cholera, small-pox, &c.

53. As the opportunity offers these rules, or suggestions, may be applied to existing conditions, for instance, when a house is to be rebuilt let it be rebuilt as here recommended. Never lose the opportunity of improving a street, or public reserved site, or building. Let the Mahár quarter of the village be as well cared for as any other, for disease originating there through neglect may bring death to doors where cleanliness is observed.

Application of rules.

54. Overcrowding, bad ventilation, neglected drainage, impure air and water, unripe fruit and Preventible causes of disease. vegetables, unwholesome and badly cooked food, neglect in removing refuse, and cholera excreta, low-lying and badly built houses, these are some of the chief causes of disease, and with ordinary precaution they are one and all of them preventible.

55. As the occasion calls for it these rules will be supplemented, and all concerned should understand that at all times advice Supplementary rules. Advice from Government officers. may be had from the officers of the Public Works, Medical and Sanitary Departments, as well as from Collectors and their Assistants.—*Sany. Commr. with G. R. No. 2522, Sept. 13, 1879.*

(NOTE.—*The above suggestions were illustrated by sketch plans, which it has been impossible to insert here.*)

1st.—The cardinal requirement everywhere is cleansing and safe removal and disposal of house sewage.

2nd.—In all the smaller towns it is probable that the most efficient arrangements regarding drainage, at least for the present, will be to level and improve the surfaces of public streets, lanes, and house compounds, to provide ready escape for rain and surface water by well-made impervious surface drains, properly graded to the out-fall, so that all water may flow rapidly away and nowhere form surface pools, and to combine with this an efficient conservancy system, to keep as much of the house sewage as possible out of the surface drains.

3rd.—Shutting up bad wells and improving and protecting existing wells from subsoil pollution in the manner advised in our suggestions for improving Indian towns and villages.

And lastly, for anything that appears to the contrary, a little more animation and activity might be beneficially exercised to forward sanitary work both in towns and villages.—*Army Sany. Commr. with G. of I., No. 7-277, Aug. 10, 1882.*

3. **Collectors.**—The Collectors are to give the department as now organized all the aid in their power through the agency of their district and village establishments.—*G. R. No. 3289, Oct. 23, 1876.*

4. **Registers of births and deaths.**—The Superintendent of Vaccination must examine the original register of births and deaths at the villages themselves. If he finds fault with the manner in which these returns are prepared, he should not address the Mámlatdár on the subject, but the Collector or Assistant Collector in charge of the taluka, who will issue such orders as he may think necessary.

A Vaccinator should, whenever a sufficiently intelligent one can be spared, attend the Mámlatdár's kutcherry every month to assist in the compilation of the village return for transmission to the Superintendent of Vaccination and Health Officer.

### DISPENSARIES.

5. **Examination.**—Dispensaries in the districts are to be examined by the Collectors and Assistants as well as by the Sanitary and Medical authorities.—*G. R. No. 769, March 12, 1875.*

### 6. Rules regarding Charitable Dispensaries.

*Amount of Government grant, &c.*

(1) Government will aid in the establishment of Charitable Dispensaries only when the Municipality of a Town or Local Fund Committee, or any private individual agree to share the expenses.

(2) The Government grant-in-aid shall, as a rule, be regulated according to the population of the town in which the dispensary is to be established, and shall not exceed—

Rs. 2,000 a year in towns with a population of ten thousand and upwards;

Rs. 1,200 a year in towns with a population of more than five, but less than ten thousand;

Rs. 600 a year in smaller towns.

But in no case shall the Government contribution exceed one-half the total cost as estimated by the Surgeon General.

NOTE.—The annual grant may, with the permission of the Collector, be paid to the Dispensary Committee at the beginning of the year.—(*G. R. No. 2289, July 20, 1875.*)

(3) Where dispensaries situated in small towns are of benefit to the surrounding district, the population test will not be strictly applied. Cases of this kind will be treated specially on a representation of the facts.

**Rules for Dispensaries—(contd.)**

(4) The first supply of all needful surgical and other instruments will be issued gratuitously from the public stores,\* and upon all medicines provided, only 10, instead of 45 per cent. advance will be charged. With these exceptions the Government contribution on account of *every* kind of expenditure shall be limited to a fixed sum in accordance with Rule 2. The list of articles includes the fullest supply which can be permitted, but it is in all cases left to the discretion of the Deputy Surgeon-General of the Circle so to modify the list as to prevent needless expenditure.

(5) The Municipality, community, or individual (as the case may be) shall provide a suitable house, both as regards position in respect to the sanitary state of the place and neighbourhood, and its adaptation for a dispensary, which shall be subject to the approval of the Deputy Surgeon General or any officer appointed by him. The requirements for a dispensary building are, a receiving-room for patients, which may be part of the veranda protected from sun and rain, a surgery, a small room for the private examination of patients, a small room for males and one for females, each to contain four beds; quarters for the Medical Officer, the native pupils and servants, cook-room, latrines, and a dead-house.

2 Presses for medicines.

2 Tables for compounding, writing, &c.

1 Table for operations.

8 Cots, taped.

6 Benches.

6 Chairs.

Shelves, fittings, water and cooking vessels.

(6) They shall

also furnish furniture, &c., agreeably to the list marginally noted.

(7) Applications for the establishment of dispensaries shall be made to Government either through the Surgeon General, Indian Medical Department, or through the Civil authorities of the district, who shall report to the Surgeon General.

(8) In forwarding the application to Government, the Surgeon General shall report whether, in his opinion, the application may be sanctioned, and whether there is a Hospital Assistant or Assistant Surgeon (according as may be required) available for the duty.

(9) The sanction of Government is necessary to the establishment of all dispensaries which may indent on Government for the supply of medical stores or claim any of the benefits of these rules.

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\* The list of instruments will be found with the rules, but is not given here.

*Dispensary Committees.*

(10) When Government have sanctioned the establishment of a dispensary, a Local Committee will be formed to manage the institution and keep and look after its funds.

(11) In towns or cities where there is a Municipality, the Municipal Commissioners shall be the Dispensary Committee.

(12) In other places the Taluka Local Fund Committee shall be the Dispensary Committee. In such cases the Collector of the district shall appoint a Chairman of the Dispensary Committee, and may appoint any one to be a member of it who takes an interest in the institution.

*Duties and powers of Dispensary Committees.*

(13) The Dispensary Committee shall see that the registers, &c. supplied to the Medical Officer by the Deputy Surgeon General are regularly and carefully written up, that the returns are regularly sent, the dispensary hours strictly observed, and that patients are not neglected or ill-treated so as to cause popular dissatisfaction. They shall keep a direct general supervision over the conduct of the dispensary, reporting any shortcomings to the Collector, who will submit the case for orders to higher authority, if necessary. They shall also keep an account of the Dispensary Fund, which will consist of the Government, Local Fund, Municipal and other subscriptions, moneys realised by the sale of medicines, &c. They must carefully watch over the finances of the institution, to see that it is managed with economy, and that the expenditure is kept within the funds at their disposal.

(14) The Dispensary Committee should endeavour to supplement Government, Local Fund, or Municipal contributions by raising endowments, donations, or subscriptions so as to form a Dispensary Endowment Fund.

(15) The object of the Fund is to accumulate a capital sum, the interest of which only shall be used for the expenditure of the dispensary, and which will, it is hoped, gradually render it wholly or partly independent.

(16) The following instructions are to be strictly attended to:—

(a) The accounts of all Dispensaries to which Government contribute are to be kept in a uniform form, both for receipts and disbursements, which the Surgeon General will lay down.

**Rules for Dispensaries—(contd.)**

(b) Annual accounts must be sent through the Deputy Surgeon General to Government as soon as possible after the 31st March, giving a complete abstract of receipts and disbursements during the year, the balance at the Committee's disposal, and other detailed particulars in a form to be laid down by the Surgeon General.

(c) All payments due to Government servants lent to dispensaries must be made at the same rates, and with the same regularity and punctuality, as if they were in ordinary Government employ.

(17) For the purposes mentioned in Section XIII., the Dispensary Committee shall depute two of their number to visit the dispensary at least once a month.

(18) The Committee shall render to the Collector quarterly reports of their visits in accordance with the preceding section. The Collector must see that the submission of these is not overlooked.

(19) The appointment, fining, and dismissal of all dispensary servants, except members of the Indian Medical Department, who are under control of their departmental superiors, shall rest with the Committee. All pay abstracts shall be forwarded to the Deputy Surgeon General for countersignature in the first instance; but the contingent bills should be paid by the Committee on the countersignature of the Chairman alone. In dispensaries other than Grant-in-aid Dispensaries, the countersignature of the Deputy Surgeon General is necessary on contingent bills.

***Correspondence how to be conducted.***

(20) All communications on medical matters between the Assistant Surgeon or Hospital Assistant and the Deputy Surgeon General should be sent direct to the latter. In matters affecting the expenditure and control of funds and administration of the dispensary, the Chairman of the Committee and the Collector or his Assistant or Deputy in charge of the talooka, shall be the medium of communication.

(21) In forwarding to the Surgeon General the annual report of the Officer in charge of a Dispensary, the Deputy Surgeon General shall report fully on his conduct and qualifications, and on the successful working or otherwise of the dispensary, adding such suggestions as he may think will tend to increase the efficiency of the institution. The report shall first be sent to the Collector for such information and extract as he may require for his Annual Administration Report.

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The office of Deputy Surgeon General has now been abolished, and the duty of inspection has been assigned to Deputy Sanitary Commissioner.

*Inspection of Dispensaries.*

(22) The Deputy Surgeons General shall visit each dispensary in their respective circles at least once in the year, and as much oftener as they may be able, especially those on or near the Railway. They will carefully look into the general as well as medical management of each. Civil Surgeons shall also be deputed by the Deputy Surgeons General to perform this duty when they can be spared from their own duties, and when no other expense will be incurred but that which Government may sanction hereafter. They will report the results of the inspection to the Deputy Surgeon General.

(23) [Embodied in Order 2, para. 11.]

*Internal management of Dispensaries, &c.*

(24) The dispensary shall, as a rule, be open from 7 to 10 A.M. and from 5 to 7 P.M., for the treatment of ordinary out-patients.

(25) The dispensary shall not be left at all, if possible, at night by the Officer in charge; and he shall not, at any time, be compelled to visit out-patients who do not pay him, except in urgent cases and where the patient cannot be moved, or when an epidemic is prevailing, or in the case of Government servants entitled to his attendance at home.

(26) Payment is only to be demanded on account of medicines or medical advice at the dispensary, under Rules to be laid down by the Dispensary Committee.

(27) The number of in-patients to be under treatment at one time will be limited by the means at the disposal of the Committee, and the room available in the dispensary. Where only a few can be admitted, the most interesting cases should be taken in, subjects of surgical operations or of severe injuries.

(28) The dissemination of vaccination shall be considered an essential part of the duties of officers in charge of dispensaries, for which purpose days and hours are to be fixed, and correct registers kept according to prescribed forms.

(29) It shall be the duty of an officer in charge of a dispensary when there is no other Medical Officer at the station, to examine all corpses sent by the judicial authorities for medico-legal examination, upon which he is to make the usual report.

*Registers and Returns.*

(30) Registers of sick, &c., are to be regularly kept, agreeably to the usual forms.



**Rules for Dispensaries—(contd.)**

(31) Every sick applicant, on his name being entered on the Register, shall be provided with a paper according to Form 92 of the Medical Regulations, on which the prescriptions and, in important cases, the symptoms shall be noted at each visit; on the medicine being dispensed, the Case Diaries shall be retained in the dispensary, arranged and re-issued to the applicant at the next visit.

(32) Separate monthly returns of in and out-patients shall be transmitted through the Deputy Surgeon General to the Surgeon General.

(33) The annual reports are to be carefully drawn up, and punctually submitted on 1st April; they should comprise:—

- I. The Medical topography of the locality; this is to form the introductory part of the early reports of the dispensary.
- II. Leading facts of the Meteorological observations made during the year, and general remarks on the weather of each month.
- III. An annual return according to Form No. 50, Medical Regulations.
- IV. A notice of the different forms of disease, arranged in the order of Form No. 50.
- V. The diaries of six of the most interesting and important Medical and Surgical cases which have occurred during the year, either among the in or out-patients.
- VI. The Department of Vaccination is to be noticed, numbers vaccinated, caste, sex, age, condition of lymph, &c., in accordance with forms and instructions issued.

***Medicines and Instruments.***

(34) The cost of the supplies of Europe and country medicines, and of contingencies, pay of Medical Officer and of servants, &c., shall be defrayed out of the general funds of the institution, comprising interest on endowments, Government, Municipal, Local Fund grants, local subscriptions, and receipts of all kinds. Government being only a subscriber, all excess beyond the Government contribution must be paid by the Committee from their funds.

(35) Dispensary Committees will have their own rules as to whether the dieting of in-patients should be at the Committees' charge or otherwise.

(36) Indents for medicines and instruments are to be countersigned by the President or the Vice-President of the Municipality, or by the Collector or his Assistant or Deputy, and submitted to the Medical Storekeeper through the Deputy Surgeon General. In all cases they must be prepaid.

(37) The instruments provided by Government on the first establishment of a dispensary are a free gift, and become absolutely the property of the dispensary, to be disposed of as the Committee may think best. But they cannot be returned into store in exchange for others, nor can any instruments be thereafter obtained from the Public Stores, except upon payment.

(38) Repairs to instruments may be made by the Cutler to the Medical Stores, Bombay, free of cost; for which purpose the instruments are to be sent to Bombay, the cost of any articles expended in such repair being met by the dispensaries concerned.

(39) As the expenditure of medicines is a costly item in the accounts of Charitable Dispensaries care is to be taken that an expensive medicine shall not be indented for when a less costly one will do. To guide Deputy Surgeons General in controlling such expenditure, the Examiner of Medical Accounts shall forward to them yearly a priced invoice of all drugs and medicines in store.

\* \* \* *Miscellaneous.*

(40) Assistant Surgeons placed in charge of dispensaries receive Rs. 100 in addition to the pay of their grade if belonging to the 3rd class, and of Rs. 150 if belonging to the 2nd or 1st class. In like manner, certain Hospital Assistants educated in the Vernacular class are allowed Rs. 30 in addition to the pay of their rank, so long as they remain in the 3rd class. In estimating the cost of a dispensary, however, for the purpose of calculating the amount of the grant-in-aid towards it, the pay and allowances of a 3rd Class Assistant Surgeon alone shall be taken into account, the cost of the increased emoluments of a 2nd or 1st Class Assistant Surgeon being met by Government whenever occasion arises.

(41) In cases where dispensaries have been founded by private benefactors, and Government have agreed to support the dispensary on certain terms, those terms will be adhered to.—*Notification, March 4, 1875.*

It is clear that where the President of a Committee takes no trouble to see whether the subordinate members thereof do or do

**Rules for Dispensaries—(contd.)**

not perform their duties, they are not likely to interest themselves in those duties, and there is practically no check on or supervision of the work done by the officer in charge of the dispensary.

All Collectors should be requested to take special care to render the supervision exercised by Dispensary Committees regular and effective.—*G. R. No. 3869, Oct. 8, 1878, and No. 2659, May 21, 1880.*

**7. Salaries.**—In order to prevent unauthorized payments, the Deputy Surgeon General is to send the Collector a list, showing the authorized salaries of the dispensary servants, and to communicate changes that may occur from time to time.—*G. R. No. 2308, July 27, 1874.*

Lunatic Asylums and Civil Hospitals must be visited by the Surgeon General himself, while the Deputy Sanitary Commissioners should when on tour visit and examine the dispensaries within their charges, applying to them the same strict and searching scrutiny as was exercised by the Deputy Surgeons General. The additional work thrown on the Deputy Sanitary Commissioners will be but light, and is obviously of a cognate character to their general duties. Government are clearly of opinion that it will not justify any claim to additional remuneration. The examination of dispensaries, to the full extent to which it can be done by officers not possessing special medical knowledge, should also form an important part of the duties of district officers, and Government particularly request all Collectors to impress this upon their Assistants and Deputies, and themselves to watch carefully that the orders of Government in this respect are carried out.—*G. R. No. 1201, Apr. 26, 1880.*

**8. Reports.**—The reports of the Medical Officers in charge of dispensaries are to be sent by the Collector to the Deputy Surgeon General, after extracting what is wanted for the Collector's Administration Report.—*G. R. No. 5019, Sept. 18, 1874.*

**9. Accounts.**—The annual summaries of dispensary accounts are submitted by the dispensary officers to the Collectors, who examine and countersign them before forwarding them to the Deputy Surgeon General for transmission to the Surgeon General, Indian Medical Department. Should the Collectors discover errors in the summaries, they will at once return them to the dispensary

officers for correction and re-submission.—*G. R. No. 3192, Nov. 8, 1877.*

10. **Government grants.**—The Government grants to dispensaries are to be revised and adjusted triennially.—*G. R. No. 3192, Nov. 8, 1877.*

11. If a Medical Officer of higher rank than is sanctioned is sent to any dispensary, Government pays the difference between his pay and allowances and those sanctioned for the dispensary in addition to the regular grant.—*G. R. No. 2571, Aug. 21, 1874.*

12. **Leave allowances.**—The leave and travelling allowances of Medical Officers in charge of dispensaries are paid out of provincial revenues.—*G. of I. No. 2223, July 17, 1873.*

13. **Extra allowances.**—A Local Government may sanction the grant from Local or Municipal Funds of an addition not exceeding Rs. 15 a month to the pay of an Hospital Assistant, provided that the Local Government is satisfied that the Hospital Assistant does work in excess of the duty for which he is paid by the Imperial Government, and which could not properly be required from him in return for his regular pay.

2.—Provincial Funds being derived from the same sources as the Imperial Revenues stand on a different footing from Local or Municipal Funds, and no addition should be made from Provincial Funds to the pay of an Hospital Assistant or any other officer paid from Imperial Funds, without the previous sanction of the Government of India.—*G. of I. No. 1076, June 22, 1876.*

14. **Medicines.**—With reference to No. 26 of the Dispensary Rules, the fact of any Municipality or Local Fund Committee undertaking to provide for the gratuitous distribution of medicines is to be reported to Government by the Collector through the Medical Department.—*G. R. No. 1557, May 3, 1873.*

15. Medicines, &c., for dispensaries in Native States are no longer supplied from Government Stores, but obtained privately.—*G. R. No. 6261, Oct. 19, 1877.*

16. **Savings.**—All savings of dispensaries are to be invested in Government paper when the sums are large enough in the name of the Collector, otherwise in the Government Savings Bank in the names of the Collector and Dispensary Committee.—*G. R. No. 1493, May 15, 1875.*

## VACCINATION.

17. **Co-operation.**—Collectors and Assistants are to co-operate with the officers of the Vaccination Department, and if necessary report the Vaccinators to the Superintendent.—*G. R. Aug. 31, 1871.*

18. **Talooka Vaccinators.**—Each talooka is under a recent arrangement to have a separate Vaccinator for the benefit of the rural population, paid out of the Local Funds.

Collectors and their Assistants will now have a more direct interest in seeing that the Local Funds contributions to the Vaccination Department are utilized to the utmost. Perhaps the most useful and direct form which their assistance can take is that of seeing that the village officers keep the list and vaccination registers correctly and punctually. They should also insist upon timely intimation being given of the outbreak of small-pox in any particular locality, in order that the attention of the Assistant Superintendent may be specially directed to its suppression.—*G. R. No. 2399, Aug. 30, 1871.*

All Inspectors of Vaccination are to report themselves to Collectors and their Assistants whenever the opportunity offers.—*G. R. No. 3078, Oct. 9, 1878.*

19. **Municipal Vaccinators.**—Towns are required to pay for the Vaccinators stationed in them, and many Municipalities support Vaccinators of their own. The Municipalities have control over these Vaccinators, and much good may be effected, especially in Mofussil towns, by the direct personal interest the members of the Municipality may take in the way in which the Vaccinator carries on his duties. It is not long ago that a Municipality withheld a Vaccinator's pay because they considered he had been idle.—*G. R. No. 1481, June 24, 1870, and No. 2399, Aug. 30, 1871.*

20. **Vaccination of Government Servants.**—Nobody is for the future to be admitted to Government service unless he has been vaccinated.—*G. R. No. 4935, Aug. 14, 1877.*

21. **Returns.**—Vaccination returns are forwarded by the Vaccinators to the Mamletdars weekly, and by the Mamletdar to the Assistant Collector of the Talooka.—*G. R. No. 75, Jan. 6, 1873.*

22. **Inoculation.**—The prohibition of inoculation is not justifiable unless really complete and thoroughly efficient arrangements have been made for the protection of the people by vaccination.—*G. of I. Notif.*, Aug. 12, 1872.

The practice of inoculation can only be punished by the dismissal from the service of any Government servants proved to have connived at it.—*G. R. No. 52*, Jan. 27, 1878.

23. **Inspectors.**—University graduates may, if pre-eminently qualified, be permitted to enter the first or second grade of Inspectors of Vaccination, without passing through the lowest grade.—*G. R. No. 2096*, June 7, 1882.

#### CHOLERA.

24. **Medical assistance.**—On the outbreak of cholera in the districts the local authorities are to apply for assistance to the Deputy Sanitary Commissioner and the nearest Medical Officer, and every Medical Officer is to exert his best endeavours to supply such medicines and medical aid as are at his disposal without injury to his immediate charge.—*Govt. Notif. May 20*, 1846, and *G. R. No. 2337*, Aug. 4, 1875.

25. **Reports.**—Collectors are to report outbreaks of cholera, as soon as they occur, direct to Government.

If it should break out, at, or near, any line of railway, they are to give immediate intimation to the Municipal Commissioner, Bombay.—*G. R. No. 410*, Feb. 26, 1867, and *No. 1570*, Aug. 22, 1868.

26. The civil authorities are to arrange for immediate information of the outbreak of cholera or small-pox in any village within twenty miles of a military cantonment (whether legally established under Bombay Act III. of 1867, or any other place at which troops are stationed) being communicated to the Commanding Officer.—*G. R. No. 2222*, Sept. 21, 1869; *No. 2691*, Sept. 22, 1871; and *No. 357*, Feb. 6, 1877.

27. Collectors are to send reports weekly or oftener if necessary to Government through the Sanitary Commissioner, during visitations of cholera or other serious disease. The preventive measures adopted should be reported.—*G. R. No. 1746*, June 11, 1875.

The weekly reports to be submitted by the Collector should contain full accounts of the preventive measures adopted, and the Sanitary Commissioner should note, with such observations as he

may deem necessary, whether the measures adopted are such as he considers best under the circumstances, in accordance with the instructions conveyed in Government Resolution No. 1746, dated 11th June 1875.—*G. R. No. 1684, May 27, 1881.*

**28. Simple rules.**—When cholera breaks out and there is no Medical Officer present, the following rules are to be observed by the civil officer:—

(1) Record and report the actual number of daily sick, and the average number and percentage of deaths to attacks.

(2) If possible always give the dates of the first and last attack, and in stating particulars always support them by dates of occurrence.

(3) Early report of attack can be enforced under Section 73 of the Municipal Act.

(4) Supply medicines and disinfectants.

(5) Divide the town into wards for supervision and cleansing.

(6) Issue admonitory notices as to caste dinners, weddings, pilgrimages—as to immoderate use of unripe fruit, vegetables, &c., and as to purity of drinking water.

(7) If it can be done, light fires round infected spots.—*G. R. No. 1894, May 8, 1876.*

**29. Precautions on Railways.**—During outbreaks of cholera the Railway authorities are to take special measures against the overcrowding of trains and for the booking of passengers without undue pressure. In communication with the civil authorities they are to establish temporary hospitals at those stations where great crowds of people are expected, and the charge is to be met from such local funds as may be available.—*G. of I. with G. R. No. 3135, Oct. 6, 1876.*

**30. General precautions.**—As to the great importance of avoiding overcrowding in time of cholera, civil officers should direct their attention to prevent overcrowding in jails and by pilgrims in villages and towns. Barracks should never be allowed more than the regulated number. If accommodation is required for more, a temporary shed might be erected in which short-term men might be housed.

As regards pilgrims, all that is desired is to divert the stream from villages and towns and cantonments as far as possible, and to provide them proper camping grounds, good food and hospitals,

with hospital comforts for <sup>2</sup>the sick. Anything approaching to a regular quarantine is undesirable.—*G. of I. No. 256-264, Oct. 22, 1874.*

### 31. Instruction for the administration of cholera mixtures.

NOTE—The tin measures now supplied hold in the larger end one ounce, and in the smaller half an ounce.

Village and Police Officers are strictly enjoined to use these measures alone in administering medicines and not to give the medicines haphazard. They should also be careful to distinguish the mixture *with* opium from that *without* the drug. The two kinds of medicines are issued in bottles of different shapes so as to ensure easy recognition, even in the dark. The mixture *with* opium is to be given when the patient is suffering from vomiting and purging, but is to be discontinued immediately should the patient be found to be undergoing a state of collapse. The mixture *without* opium is to be given after the vomiting and purging have ceased.

#### *Cholera mixture with opium.*

The doses are—

At adult age .....	1 ounce in water.
„ 16 years .....	$\frac{1}{2}$ „ „
„ 8 „ .....	180 drops „
„ 4 „ .....	80 „ „
„ 2 „ .....	40 „ „
„ 1 year .....	20 „ „

Cholera pills should not be given with the mixture.

To a person above 8 years of age the dose may be repeated once or twice at the end of an hour or two if the vomiting and purging do not cease.

To a child under 8 years half a dose may be repeated as above.

Should there be collapse this mixture should not be given.

#### *Cholera mixture without opium.*

The doses are—

At adult age .....	1 ounce in as much water.
„ 16 years .....	$\frac{1}{2}$ „ „
„ 8 „ .....	$\frac{1}{4}$ „ „
„ 4 „ .....	60 drops in a little water.
„ 2 „ .....	30 „ „
„ 1 year .....	15 „ „



These doses may be repeated every one or two hours after vomiting and purging have ceased, until the pulse improves and the skin becomes warm.—*Surg. Genl. with G. R. No. 3051, Aug. 9, 1882.*

The two kinds of mixture should be kept in different bottles. The medicine has been found to be very efficacious when judiciously administered, but uneducated policemen cannot be expected to know the proper dose, and there is reason to believe that they sometimes give overdoses. All dispensaries should be supplied with a sufficient number of tin measures (those for adults and for children being different), and the Hospital Assistants should give them out with the medicines, and give the police or other persons instructions as to their use.—*G. R. No. 3003, Sept. 13, 1881.*

When cholera breaks out at any place, native officers at other places are much inclined to exclude people belonging to the former. Though this sort of quarantine cannot be very effective, it must to some extent lessen the chances of infection spreading. But as it cannot be carried out without some hardship to individuals, and as the people themselves like to have as little intercourse as possible with those belonging to places where there is cholera, instructions should be issued to the district officers and police not to attempt to enforce segregation, though they may warn the people of the danger of frequent communication between places where cholera exists and where it does not.—*G. R. No. 3003, Sept. 13, 1881.*

**32. Expenditure.**—As to the joint and several responsibility of Medical and Administrative Officers in case of the outbreak of an epidemic, it is the duty of the Medical and Civil Officers to decide on the measures to be adopted in concert, and to do the best they can, *with reference to available funds*; there must be a limit to all expenditure, and it would be better to consult the Municipality with reference to the expenditure it can afford, and to adopt cheaper measures, even if the Medical Officer does not think them quite so likely to be effectual as more expensive ones.—*G. R. No. 2342, Aug. 5, 1875.*

**33.** In non-municipal towns the expenses of white-washing, &c. in time of cholera must be borne by the people themselves.—*G. R. No. 3389, Oct. 22, 1875.*

**34.** Expenses of Hospital Assistants sent by the Medical authorities to fairs are to be paid by the Local Funds when such fairs are not self-supporting.—*G. R. No. 3009, July 19, 1876.*

35. In the case of sudden outbreaks of cholera in the districts, Collectors have authority under the Medical Code to employ native doctors on salaries not exceeding Rs. 20 a month; this expenditure is Provincial, and requires the sanction of Government in the Financial Department.—*G. R. No. 4033, Sept. 20, 1877.*

36. **Drinking water.**—Samples of the water usually drunk in the villages or towns attacked by cholera are to be sent to the Chemical Analyser.—*G. R. No. 4106, Dec. 8, 1873.*

37. **Camping grounds.**—The selection of grounds outside military limits for the purpose of encamping troops in case of any epidemic disease breaking out should be made by the military authorities in consultation with the Collectors.

As a general rule the land so selected will be dry moorum soil unfit for cultivation. Where cultivable land is unavoidably chosen, the preferable course will be for the Collector to enter into an agreement with the proprietor by virtue of which the land can at once be taken temporary possession of on payment by the Collector of whatever sum he may consider just on account of damage to crops and rent of land.

Proprietors will, it is believed, gladly adopt this course rather than be permanently deprived of their land under the Act.—*G. R. No. 2749, June 28, 1865.*

38. **Cattle disease.**—Serious outbreaks of foot and mouth disease are to be reported by Collectors to the military department but not ordinary visitations.—*G. R. No. 1864, June 21, 1877.*

Reports of cattle disease breaking out need not be sent to Government unless it should appear in so unusually virulent and destructive a form as, in the opinion of the District Officers, to call for special measures on the part of Government for its suppression.—*G. R. No. 2947, Oct. 14, 1874.*

### 39. **Water for Analysis:—**

#### RULES.

1. The quantity of water sent for examination should not be less than half a gallon. (Three ordinary quart bottles or six soda water bottles.)

2. Glass-stoppered bottles are the best, and the most convenient kind for holding the half gallon of water is the glass-stoppered bottle known as the "Winchester quart." If these are not pro-

curable, ordinary bottles of light coloured glass may be used, as it is impossible to ascertain when an opaque bottle is clean; they should be tightly closed with new corks, and the cork should be soaked in some of the water from the source for two hours before being used.

3. The bottles must be absolutely clean. They should, after ordinary cleansing, be washed out with a little strong sulphuric acid, then well washed with water till the washings are no longer acid, and finally rinsed out with some of the water to be sent for analysis.

4. The bottle ought to be nearly, but not quite full. If a glass-stoppered bottle, the stopper should be securely tied over with a piece of clean calico.

5. The water of a tank or river should be collected from a place where it is not subject to artificial disturbance; in the case of a river the middle of the stream is the best place; and the entrance of floating impurities should be avoided by immersing the bottle in the water, taking care that the mouth shall open at a little distance below the surface.

6. Each bottle should be labelled with the name of the source and the date of collection.

7. The bottles containing water should be securely packed, and transmitted to the Laboratory with the least possible delay. During transit the cases should not be exposed to the direct rays of the sun.—*Chemical Analyser with G. R. No. 2288, July 30, 1875.*

The packages should be addressed thus :—

*Water for Analysis.*

To

The Travelling Water Analyst,

Sanitary Department,

Bombay.

“ Due intimation should be given to the Sanitary Commissioner's office when samples have been despatched, and application should be made to the same office when sources of supply are to be examined. As samples should be examined as soon as possible after they have been bottled, it is very necessary that they be sent by the quickest route—by rail when possible, and not through the Commissariat Department if it can be avoided.—*Sany. Commr. with G. R. No. 4148, Dec. 8, 1881.*

## CHAPTER XXI.

## REGISTRATION.

It has not been thought necessary to do more than insert general rules under this chapter. With the exception of Collectors of Districts, Revenue Officers outside the Special Registration Department have almost nothing to do with the subject of registration, and it seems superfluous therefore to insert circular orders by the Inspector General of Registration, or regulations for the internal economy of the department under him.

Collectors of Districts are District Registrars. Special Sub-Registrars are appointed at most Mamlutdars' stations.—*G. R. No.* 1958, *Mar.* 24, 1882.

The law on the subject is Act III. of 1877.

## 1. Rules under the Act.

[NOTE.—The rules relating to registers, bills, and other matters of detail, are omitted.]

\* \* \* \*

(22) The fees received for registration, searches, copies, &c., shall be remitted daily to the nearest treasury, and the signature of the officer in charge of the treasury shall be taken in the cash book. If a Sub-Registrar's office be at a place where there is no treasury, remittances shall be made whenever the amount in hand exceeds Rs. 50.

\* \* \* \*

(25) Every Registrar's office shall be a central office of record for the district, and such of the registration, cash, minute, day and batta books of the subordinate offices as at the commencement of each calendar year are complete, and date back five years, shall be transferred to it. The indexes of each Sub-Registry office shall be retained in the office to which they belong.

(26) The following papers, &c., in the Registrar and Sub-Registrar's offices shall be destroyed after the lapse of two whole years from the date on which such papers, &c., or the proceedings to

### Rules under the Act—(contd.)

which they relate, were finally disposed of, subject, in the case of a Sub-Registrar's office, to the sanction of the Registrar of the district. A list shall be kept of the papers so destroyed in the form specified.

Fixed and extra contingent bills, bills for printing and stationery, indents for dead-stock, arrears returns and batta returns, summonses, ordinary correspondence excepting circulars and standing orders and other papers useful for reference, applications for summonses and warrants under Sections 36 and 39, for searches and inspections under Section 57, for attendance at the private residence of parties, and for leave, reports of appointments and delivering over and receiving charge of office, receipts granted under Section 52 or under Rule 35, and subsequently taken back under Rule 53 or 60, and counterparts, of such receipts, and of notices as to documents being ready for delivery.

If the destruction of any papers, &c., other than the foregoing is desired, the previous sanction of the Inspector-General or, in Sind, of the Branch Inspector General must be obtained.

(27) The documents of which the destruction is authorized by Section 85, if they remain unclaimed for a period exceeding two years, shall not be destroyed without the previous sanction of the Inspector General or, in Sind, of the Branch Inspector General, nor until a notice has been issued to the parties concerned. The two years shall be reckoned, as to documents the registration of which has been refused, from the date of refusal, and as to documents which have been registered, from the date of registration.

\* \* \* \* \*

(30) Fines imposed under Section 24 or 34 of the Act shall be as follows—

If the delay has been less than one month,— $2\frac{1}{2}$  times the proper registration-fee.

If more than one month, but less than two months,—5 times the proper registration-fee.

If more than two, but less than three months,— $7\frac{1}{2}$  times the proper registration-fee.

If more than three months,—ten times the proper registration-fee.

\* \* \* \* \*

(33) All Registration offices shall be opened daily, Sundays and holidays excepted, between 11 A.M. and 5 P.M.

(34) Registrars should report all appointments made by them under Section 11 or 12, and all changes in the officers in charge of Registrar's and Sub-Registrar's offices respectively.

\* \* \* \*

(37) The endorsement to be made under Section 52, on every document presented for registration shall be written by the registering Officer with his own hand, on the face of the document in the following form :—

“ Presented at the Office of the Registrar, or Sub-Registrar, of  
between the hours of 2 and 3 P.M., on the 30th July 1877.”

If a document is impounded under the Stamp Act, the words “impounded under Section                      of the Stamp Act” shall be written on the face of it, and signed by the registering Officer below the above endorsement.

(38) The proper fees shall then be taken, and the first four columns in the Day-Book filled in at once.

The daily number under which the document is entered in the Day-Book and the Minute Book should be endorsed on the document.

(39) In calculating copying-fees a fraction of a folio shall be counted as a whole folio. When a document is so short that the copy of it will probably occupy less than one page of the Register Book, the whole number of words should be counted. In other cases the number of folios may be counted by multiplying the average number of words in five different lines in different parts of the document by the number of lines in the document (a fraction of a word being counted as a word), and dividing the result by a hundred.

(40) On receipt of the fees the registering Officers shall write on the face of the document a note as to the fees received.

(41) In considering whether a document presented for registration should be accepted the registering Officer should not concern himself with questions as to its validity, but should be careful only to see that it fulfils the following requirements of the law :—

- (1) that it be properly stamped ;
- (2) that it be presented within the proper time ;
- (3) that it be presented by a competent person ;
- (4) if it relates to immoveable property, that it is not open to objection under Section 21 ; and

**Rules under the Act—(contd.)**

- (5) that the provisions of Section 19 are complied with if that section be applicable.

(42) If there be no objection on the face of the document to its being accepted, the inquiry under Section 34 shall be proceeded with; and if the document is admitted to registration, the endorsements and certificate under Sections 58 to 60 shall be made.

Admission of receipt of consideration shall only be endorsed when voluntarily made.

If an executing party admits execution but denies the receipt of consideration in whole or in part, registration is not therefore to be refused, but the denial of receipt of consideration shall be mentioned in the endorsement.

When the registering Officer is acquainted either with the persons admitting execution or with the witnesses to their identity, he shall mention the fact in the endorsement.

\* \* \* \* \*

(44) When a document admitted to registration is being copied in the appropriate register book, the value of the stamp and the stamp-vendor's endorsement shall invariably be transcribed at the beginning of the copy, and also on the memoranda or copies prepared under Sections 64 to 67; but these shall not be taken into account when calculating the copying fees.

(45) In Book No. 1., compulsory registrations shall be distinguished by the letter "A" appended to the serial number, and optional registrations by the letter "B"; and copies, memoranda, of certificates under Sections 64, 65, 66, 67, and 89, filed in supplements to Book No. 1., Parts I. and III., shall be distinguished by the serial numbers 1a, 2a, 3a, &c.

To determine whether the registration of a document in which no value is specified is compulsory or not, the value of the stamp affixed thereto shall be taken to indicate the value of the interest.

\* \* \* \* \*

(49) Errors, erasures, interlineations, &c., in original documents must be copied into the register book exactly as they appear in the documents. Marginal notes shall be written in column 1, explanatory of such errors, &c., in the prescribed manner.

(50) On the copy in the register book being completed, the registering Officer having carefully compared it with the original, shall certify under his signature that it is a true copy.

No erasure or alteration shall be made in the registers ; any error made at the time of copying shall be bracketed in red ink, and the correction written above in red ink, and this shall be attested on each side by the initials of the registering Officer. Every interlineation or addition shall be similarly noted and attested.

When any such corrections are made, they shall be mentioned in the form of certificate.

\* \* \* \* \*

(54) Documents of which the registration is not complete, and registered documents pending delivery, shall be kept separate.

A list of documents, the registration of which is not completed, and of those registered, but unclaimed for more than one month from the date of completion of registration, shall be hung up to public view in the office of every registering Officer.

If a document remains unclaimed for one calendar month after its registration, or after registration has been refused, the registering Officer shall, on the day following the last day of such month, issue a notice to the presenter of the document, informing him that if it be not claimed within a further period of one calendar month an extra fee at the rates prescribed in article 37 of the fee table will be leviable before it can be delivered to him. Such notices shall be sent by post, post paid.—(*B. G. No. 3684, May 14, 1883.*)

(55) When a Sub-Registrar registers a document relating to immoveable property not situate within his own sub-district and the mistake is brought to notice, he shall direct the presenter to present it again in the proper office, where it shall be registered afresh without additional charge.

(56) A copy of every order passed by a Registrar in appeal shall, if registration be ordered, be sent to the Sub-Registrar from whose decision the appeal was made, and shall be copied by the latter in the last column of his Book No. II.

(57) Commissions issued under Section 33 or 38 and the returns thereto shall be recorded in a separate file.

(58) In taking evidence regarding the identity of parties appearing before him, the registering Officer should prefer witnesses of respectability or well known persons, such as Government Officers, Vakeels ordinarily practising at the station, or persons with whom he is personally acquainted.



**Rules under the Act—(contd.)**

(59) Fees are to be levied for summonses and warrants issued under either Section 36 or 75 at the rates prescribed in the fee table, and to be credited in the batta book.

For the purposes of para. 4 of Section 75, Registrars will themselves issue process for the attendance of witnesses. In the district of Bombay the Registrar will himself arrange for the service or execution of such processes, elsewhere they should be sent to a Mám-latdár, Mukhtyárkar, or Mahalkari, for the purpose of being executed.

\* \* \* \* \*

(61) Every application to a registering Officer for copies, searches, inspections, &c., shall be made in writing and shall be numbered and filed by the registering Officer, and upon it shall be endorsed the date of receipt, the date on which the requisition was satisfied, and the amount of fee received.

Registering Officers must see that the provisions of the stamp-law are complied with, as to applications made under this rule and as to copies of documents furnished to applicants.

(62) When the Sub-Registrar at the Huzur Station is appointed by the Registrar under Section 11 to perform his duties during his absence in his district, or when, although not so appointed, he is, during the Registrar's absence, placed in charge of the District Record-room, the fees received for copies from the records shall be credited in the Sub-Registrar's accounts, and he shall be allowed his usual percentage commission on such fees.

(63) No postal charges shall be levied for the transmission of memoranda or copies of documents, under Sections 64, 65, 66 and 67. The fees charged cover all expenses, and the postage shall be paid by the officer levying such fees.

\* \* \* \* \*

(66) Fees on documents of which the registration is finally refused shall be refunded to the parties entitled to the same. A register of such refunds, and of refunds of fees surcharged, and of fines remitted, shall be kept by each registering Officer.

\* \* \* \* \*

(68) Sub-Registrars in the Mofussil, other than those at Sadar stations, should close their accounts on the date of each month on which the accounts of the treasuries, into which their receipts may

be paid, are closed; those at Sadar stations should close them on the last day of the month.

\* \* \* \* \*

(72) Fees received after the hour at which the treasury, into which payments have to be made, may be closed, shall be kept by the registering Officers till next day, and then paid into the treasuries along with the receipts for that day.

In Sadar stations, where the treasury accounts are closed on the last day of the month, any fees received on that day by registering Officers, subsequent to the closing of the treasury, shall be shown in their accounts for the following month.

(73) Every Registrar shall fill up such annual returns as may be called for by the Inspector General, and shall, on or before the 30th June, submit to the Inspector General a brief annual report containing such general remarks as he may deem necessary on the amount of registration work performed by himself and his Sub-Registrars during the year ending on March 31, distinguishing compulsory from voluntary registrations, showing the nature of the documents registered, the number of result of appeals under Section 72, of applications under Section 73, and of suits under Section 77, the amount of fees collected in his own office and those of the Sub-Registrars, drawing attention to the inconvenience, if any, attending any of these rules or the authorized table of fees, and submitting any suggestions which he may have to offer for facilitating, extending, or improving the system of registration.

(74) All Sub-Registrars, except those of the Presidency District, Kurrachee, and Aden, shall provide, out of the percentage of fees paid to them as remuneration, whatever writing materials they require for the work of their respective offices, except such blank forms and books as are supplied by Government.

(75) The Karkuns employed in mofussil Sub-Registry offices shall also be paid by the Sub-Registrars out of their percentage. Subject to the approval of the Inspector General, the number of Karkuns to be employed in a Sub-Registry office, and the amount of monthly remuneration to be paid to each of them, shall be determined by the Registrar of the district. In no case shall the salary of any Karkun be less than Rs. 8 per month if employed by a special Sub-Registrar, nor less than Rs. 6 per month if employed by an *ex-officio* Sub-Registrar, whether the percentage

**Rules under the Act—(contd.)**

receipts be above or below the abovenamed sums. On January 1 and July 1 in each year, every Sub-Registrar shall furnish to the Registrar a return showing the amount paid by him to his establishment during the preceding six months. No Sub-Registrar shall employ, fine, or dismiss any Karkun save with the sanction of the Registrar.

**(76) *Ex-officio* Sub-Registrars—**

- (1) Shall not write up during the regular office hours of the Kutcherry any of the Register Books or Indexes, nor any of the Returns, nor any book except the Minute Book, the Day-Book, the Cash-Book, and the Batta Book;
- (2) Shall not employ any of the parties to a document, nor any agent, relative, or friend of any such party or other person interested in the document, to write any of the Registration Books, Indexes, Returns, or Endorsements relating to such document, nor get any such writing done without remuneration by any person attending the kutcherry on any public business;
- (3) Shall not employ any Government servant to write any of the Registration Books, Indexes, Returns, or Endorsements, during the ordinary hours of duty of such servants; and
- (4) Shall be responsible for all writing for registration purposes being done legibly and distinctly, and for the Book, Indexes, and Returns being kept in a neat and orderly manner under penalty of refunding the percentage of fees paid for any writing not to the satisfaction of the Registrar.

(77) Registrars may, at their discretion, withhold percentage allowance from any Sub-Registrar who may be found to be negligent in the performance of his duties.

(78) Every Registrar shall, if possible, examine the Books, Indexes, Accounts, and other records of the Sub-Registrar's subordinate to him once in every official year. He shall make a memorandum of all errors, acts of negligence, or doubtful practices observed, and shall send one copy to the Sub-Registrar and another to the Inspector General with remarks or suggestions. He shall particularly

direct his attention towards ascertaining whether the same persons have been in the habit of attending at the Sub-Registry Office an extraordinary number of times to give evidence as to the identity of executants. He shall also, under Section 52, authenticate the books examined by making a record in each.

If a Registrar is unable, owing to other duties to visit all the Sub-Registry Offices of his district in one year, he shall arrange for such offices as he cannot visit being examined by an Assistant or Deputy Collector, and every Sub-Registry Office shall at all times be open to inspection by the Assistant or Deputy Collector in charge of the taluka. Every Sub-Registrar's Office not situated within the charge of some Inspector of Registration will, according to the orders of Government, be inspected once in every official year by the Assistant or Deputy Collector in charge of the taluka.

An Assistant or Deputy Collector examining a Sub-Registry Office should make a report to the Registrar of all errors, acts of negligence, omissions, or doubtful practices he may observe, and the Registrar will thereupon issue such orders as he deems necessary to the Sub-Registrar; the Assistant or Deputy Collector should not issue orders direct to Sub-Registrar. He shall authenticate such books as he may inspect in the manner prescribed for Registrars. A copy of his report shall be forwarded by the Registrar to the Inspector General, with remarks or suggestions.

(79) Every Inspector of Registration shall carefully inspect the books, accounts, &c., of each Sub-Registry Office in his charge, if possible once in every official year, and shall, on each occasion, make a memorandum of all errors, acts of negligence, omissions; or doubtful practices which he may observe. He shall forward one copy to the Inspector General, and another to the Registrar of the district. The latter will thereupon issue such orders to the Sub-Registrar as he may deem fit, but no Inspector shall issue any order direct to any Sub-Registrar. Such books of the Sub-Registry Office as may be examined by an Inspector shall be authenticated by him under Section 52 of the Registration Act in the manner prescribed for Registrars.

(80) On or before the 10th of every month each Inspector shall submit to the Inspector General a diary containing full information as to his movements during the preceding month. He shall also submit an Annual Report, in which are to be noted all deeds of a peculiar or extraordinary character which have come under his

**Rules under the Act—(contd.)**

observation during his examination of the Register Books. Special mention is also to be made of the state of the Indexes in the several offices, whether they afford all necessary facilities for reference, and whether any steps are recommended for their improvement.

(81) In Sind all the above reports and returns shall be made to the Branch Inspector General.

(82) A departmental examination in questions relating to the Registration Act and Rules and the Annual Departmental Registration Examination. General Stamp Act shall be held yearly in September in each district.

All Clerks and Karkuns of the Registration Department in the direct employ of Government shall be required to pass such examination before being confirmed in their appointments. The Karkuns of any Sub-Registrar other than the Sub-Registrars of the Presidency District and the Sub-Registrar of Karachi, not being in the direct employ of Government, are exempt from the necessity of passing this examination; but any such Karkuns, who, under the terms of Government Resolutions, Revenue Department, No. 2257 of the 12th May 1871, and No. 2724 of 13th May 1873, are eligible for the Government service, may, if they so desire, appear at the examination.

The questions for the examination will be prepared by the Inspector General and forwarded by him to the President of the Examination Committee in each district, who will return the papers to the Inspector General for his examination and decision. The names of the candidates who pass the examination will be published in the *Government Gazette*.

If a candidate who has passed the examination does not obtain an appointment in the Registration Department within one year from the date of so passing, he shall not be deemed qualified for a permanent appointment therein until he has again passed the examination, but he may be appointed as a probationer.

(83) The appointment of every Special Sub-Registrar will for the first 12 months be probationary only. As soon as possible after that time has elapsed, or in special cases within that time, if after careful examination of his office he be reported duly qualified by the District Registrar, the Inspector General will inform Government whether in his opinion

he should be confirmed in his appointment, but no such appointment will be confirmed unless the probationer has passed the annual examination prescribed by the last rule either within a year before he was appointed or whilst he has been on probation—*G. R. No. 1151, March 4, 1878, and Notif. 2705, April 4, 1883.*

Notices of relinquishment relating to land above Rs. 100 in value are required by Section 17 of Act III. of 1877, to be registered.—*G. R. No. 3087, April 20, 1883.*

## Rules for obtaining copies of documents.

### I.—INSPECTION.

1. The documents, maps, registers, accounts and records, the right of inspection of which is

Inspection of documents to which the public have a legal right when and how to be permitted.

provided for in section 91 of the Indian Registration Act, 1877, and in section 213 of the Bombay

Land Revenue Code, 1879, and all public documents which any person has, under the provisions of any law for the time being in force, a right to inspect, shall be open to inspection in the office of the officer in charge of the same during the usual office-hours every day, except Sundays and public holidays, on payment of the fee hereinafter prescribed in this behalf: Provided always that no fee shall be levied by any village officer for allowing inspection of any such document, map, register, account or other public document as aforesaid which is in his charge.

2. Except in the cases named

Inspection not to be permitted without a legal right.

in the last preceding Rule, no inspection of any public document will be allowed.

### II.—EXTRACTS AND COPIES.

3. No uncertified copy or extract shall be obtainable of or from any document other than

Uncertified copies and extracts how obtainable.

those described in Rule 1, nor otherwise than under this Rule.

Any person entitled to inspect any public document under Rule 1 may himself make a copy, or employ his own agent to make a copy of any public document, or of any portion of any public document of which he has duly obtained inspection, but no copy so made shall be certified by any public officer.

## Rules under the Act—(contd.)

4. The officer in charge of any public document described in Rule 1 shall cause to be prepared,

Certified copies or extracts of or from the documents described in Rule 1 how obtainable.

and give a certified copy of the same, or of any portion thereof under his own signature, to any

person applying for such copy on payment of the fee hereinafter prescribed in this behalf: Provided that every application for a certified copy of any public document in the charge of a village officer shall be made to the Mámlatdár or Mahálkari to whom such officer is subordinate, who shall cause the copy to be prepared by the village accountant. Every such copy after being compared by the village accountant with the original, shall be signed by him in token of its being correct, and shall be sent by him to the Mámlatdár or Mahálkari for the purpose of being certified and made over to the applicant. No village officer shall himself certify a copy to be a true copy, or receive or grant an application for any such copy.

5. Subject to the proviso contained in the last preceding Rule, certified copies of public documents, or of portions of public

When certified copies or extracts may be granted of or from public documents other than those described in Rule 1.

documents, other than those described in Rule 1, may be granted by the officer in charge thereof

to any person applying for the same, on payment of the fee hereinafter prescribed in this behalf: Provided—

- (a) that in disposing of any such application the officer to whom the same is made shall be guided by the orders of Government and of any officer to whom he is subordinate, and in case of doubt shall, before disposing of the same, refer to his immediate superior for instructions;

- (b) that no copy of any official correspondence or of any opinion of a Government law officer, or of any order or resolution embodying any such opinion, shall be given by any officer subordinate to a Collector without the Collector's previous permission, or by any survey Officer without the previous permission of the Survey Commissioner;

(c) that no copy shall be granted of any record, map or plan which has been printed or lithographed and published under the authority of Government ;

(d) that no copy of any document is to be given in any case in which it is obvious that such a course would be prejudicial to Government.

6. On every certified copy or extract granted under these

Rules there shall be endorsed, by the officer who receives the fee for the same, a receipt in the following form (namely) :—

Fee-endorsement to be written on certified copies.

“ Received Rs.                      a.                      , being the fee for this certified copy.

Dated the                      of                      188 .

(Signed) A. B.”

7. The certificate on all certified copies or extracts granted under these Rules shall be in the

Form of certificate.                      form prescribed by section 76 of the Indian Evidence Act.

### III.—SEARCHES.

8. When an application is made for an inspection or copy of

Search-fee when payable.                      any public document, or of any portion of a public document,

and such application does not distinctly describe the number, date and nature of the document required ; or if the description given in such application is incorrect, and it shall in consequence be necessary for the officer in charge of the document to search his records in order to find it, a fee, at the rate hereinafter prescribed, shall be payable by the applicant for such search, whether the inspection or copy for which he applies shall, on examination of the said document by the said officer, be granted or not : Provided that no such fee shall be levied by a village officer.

### IV.—FEES.

9. The following fees shall be levied in cash, under these Rules

Table of fees to be levied.                      (namely):—

- (1) For every inspection granted under Rule 1 by any officer other than a village officer ..... 8 annas.



## Rules under the Act—(contd.)

- (2) For every certified copy of a public document not falling under Article (3) of this Table:—

(a) if the original be in English, for every 100 words or fraction of 100 words ..... 2 annas.

(b) if the original be in the vernacular, for every 100 words or fraction of 100 words .....  $1\frac{1}{2}$  annas.

(c) if the original be in a tabular form, whether in English or the vernacular ..... } twice the rates respectively named in clauses (a) and (b).

- (3) For every certified extract from a Register of Alienations granted under section 53 of the Bombay Land Revenue Code .....

} 1 anna for every rupee of the amount of alienated revenue, or, if the Sanad lost or destroyed had been granted under Bombay Act 4 of 1868, or under S. 133 of the Bombay Land Revenue Code, 1879, a sum equal to one-half of the Survey fee which the holder of the building site included in the Sanad would be liable to pay under S. 132 of the said Code, if not exempted by the 2nd para. of that section, provided that the fee shall in no case exceed Rs. 10 or be less than 8 annas.—*B. G. Notn.* 3410, May 2, 1883.

- (4) For every certified copy of a map of a survey number, or of a recognized share of a survey number,

or of a field, or of any ordinary (uncoloured) map, or plan of any immovable property ..... 1 rupee.

- (5) For every certified copy of a map or plan, or of any portion of a map or plan not falling under Article (4) of this Table.

{ such fee not exceeding fifteen rupees, and not less than one rupee, as the officer who certifies the copy shall determine: Provided that no fee exceeding Rs. 5 shall be charged by any officer subordinate to a Collector except with the permission of the Collector, or by a survey officer except with the permission of the Survey Commissioner.

- (6) For every search made by any officer other than a village officer .....

{ 1 rupee for each year of which the records shall be searched.

10. Every fee payable in accordance with the foregoing Table Fees to be paid in advance. shall be paid in advance.

11. The amount of all fees so received shall be entered in a separate book to be kept for this Disposal of fees. purpose by the officer in charge

of the records, and shall be remitted before the close of each month to the nearest Government Treasury after deducting the amount paid, in the case of certified copies and extracts, to section-writers under Government Resolution No. 3356, dated 11th November 1874, Financial Department, or under any other orders of Government that may be hereafter issued.

#### V.—MISCELLANEOUS.

12. Every application under these Rules, except an application Applications under these Rules under Rule 1 to a village officer, to be made in writing. must be made in writing.

13. Every such application shall be numbered and filed by the officer to whom it is presented, Proceedings to be recorded on each application. and shall be endorsed with a memorandum, under his signature, stating the date on which it was presented, the amount of fees, if

### Rules under the Act—(contd.)

any, received either at the time of presentation thereof or subsequently at any time, and the date and manner in which the application was disposed of.

14. In considering any application purporting to be made under sections 90 and 91 of the Indian

Care to be exercised in granting inspections or copies as a matter of right.

Registration Act, 1877, or under section 213 of the Bombay Land Revenue Code, 1879, or under

any other law which grants to any person a right of inspection, special care must be taken to see that the public document, with respect to which such application is made, is one to which the law relied upon is applicable, and that the applicant is a person entitled to inspection (and, therefore, if he requires it under section 76 of the Indian Evidence Act, to a copy) before granting the application as a matter of right.

15. Nothing in these Rules is to be deemed to affect the provisions of the Stamp Act or Court

Saving of the provisions of the Stamp and Court Fees Acts.

Fees Act. The stamp-duty or court-fee with which any applica-

tion, copy or extract made or furnished under these Rules may be chargeable, is to be deemed to be in addition to the fees prescribed by Rule 9, and care is to be taken that the requirements of the Stamp Act and Court Fees Act are properly fulfilled in respect of every such application, copy or extract.

16. In these Rules the words "public document" are to be deemed to have the same meaning as in the Indian Evidence Act I. of

"Public document" defined.

1872 (see section 74 of that Act).

17. Nothing in these Rules applies to the city of Bombay or to any civil or criminal court.

Local extent of these Rules.